RULES

UNDER THE

LAND REVENUE

AND

TENANCY

ACTS.

1887.



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1892.

THE PUNJAB LAND REVENUE ACT.

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AN ACT

TO

Amend and declare the Land-revenue Law of the Punjab.

WHEREAS it is expedient to amend and declare the law in force in the Punjab with respect to the making and maintenance of records-of-rights in land, the assessment and collection of land-revenue, and other matters relating to land and the liabilities incident thereto; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Punjab Land-Revenue Act, 1887. Title, extent and commencement.

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the Punjab, including the pargana of Spiti, but not so as to affect, otherwise than as expressly provided by this Act, any Regulation in force under the provisions of the Statute 33 Victoria, chapter 3, section I, in any portion of those territories ; and,

(3) It shall come into force on such day as the Local Government, with the previous sanction of the Governor-General in Council, may by notification appoint in this behalf. *

(4)† * * * * * * *

2. (1) The enactments mentioned in the schedule are repealed to the extent specified in the third column thereof. Repeal.

(2) But all rules, appointments, assessments, and transfers made, notifications and proclamations issued, authorities and powers conferred, farms and leases granted, records-of-rights and other records framed, revised, or confirmed, rights acquired, liabilities incurred, times and places appointed and other things done under any of the repealed enactments shall, so far as may be, be deemed to have been respectively made, issued, conferred, granted, framed, revised, confirmed, acquired, incurred, appointed, and done under this Act.

(3) Any enactment or document referring to any

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† Repealed by Act XII of 1891.

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enactment hereby repealed shall be construed as referring to this Act.

Definitions. 3. In this Act, unless there is something repugnant in the subject or context,—

(1) "estate" means any area—

(a) for which a separate record-of-rights has been made; or

(b) which has been separately assessed to land-revenue, or would have been so assessed if the land-revenue had not been released, compounded for, or redeemed; or

(c) which the Local Government may, by general rule or special order, declare to be an estate:*

(2) "landowner" does not include a tenant or an assignee of land-revenue, but does include a person to whom a holding has been transferred, or an estate or holding has been let in farm, under this Act for the recovery of an arrear of land-revenue or of a sum recoverable as such an arrear, and every other person not hereinbefore in this clause mentioned who is in possession of an estate or any share or portion thereof, or in the enjoyment of any part of the profits of an estate:

(3) "holding" means a share or portion of an estate held by one landowner or jointly by two or more landowners;

(4) "rent," "tenant," "landlord," and "tenancy" have the meanings respectively assigned to those words in the Punjab Tenancy Act, 1887:

(5) "pay," with its grammatical variations and cognate expressions, includes, when used with reference to rent, "deliver" and "render," with their grammatical variations and cognate expressions:

(6) "land-revenue" includes assigned land-revenue and any sum payable in respect of land, by way of quit-rent or of commutation for service to the Government or to a person to whom the Government has assigned the right to receive the payment:

(7) "arrear of land-revenue" means land-revenue which remains unpaid after the date on which it becomes payable:

(8) "defaulter" means a person liable for an arrear of land-revenue, and includes a person who is responsible as surety for the payment of the arrear:

* Rule 193.

(9) " rates and cesses " means rates and cesses which are primarily payable by landowners, and includes—

(*a*) * * * * * * *

(*b*) the local rate, if any, payable under the Punjab District Boards Act, 1883, and any fee leviable under section 33 of that Act from landowners for the use of or benefits derived from such works as are referred to in section 20, clauses (*i*) and (*f*), of that Act ;

(*c*) any annual rate chargeable on owners of lands under section 59 of the Northern India Canal and Drainage Act, 1873; †

(*d*) the zaildári and village-officers' cesses; and

(*e*) sums payable on account of village expenses :

(10) " village-cess " includes any cess, contribution, or due which is customarily leviable within an estate, and is neither a payment for the use of private property or for personal service nor imposed by or under any enactment for the time being in force :

(11) " village-officer " means a chief headman, headman, or patwári :

(12) " Revenue-officer," in any provision of this Act, means a Revenue-officer having authority under this Act to discharge the functions of a Revenue-officer under that provision :

(13) " legal practitioner " means any legal practitioner within the meaning of the Legal Practitioners' Act, 1879, except a mukhtár :

(14) " [illegible] mmencing [illegible] ato as the [illegible] any local area :

(15) " notification " means a notification published by authority of the Local Government in the official Gazette :

(16) " incumbrance " means a charge upon or claim against land arising out of a private grant or contract ; and

(17) " survey-mark " includes boundary-mark.

Exclusion of certain land from operation of Act.

4. (1) Except so far as may be necessary for the record, recovery, and administration of village-cesses, nothing in this Act applies to land which is occupied as the site of a town or village and is not assessed to land-revenue.

* Section 3 (9a) Repealed by Act XII of 1891.

† This must not be confounded with owner's rate assessed under section 37 of Act VIII of 1873.

Powers of revenue-officers.

10. Except where the class of the revenue-officer by whom any function is to be discharged is specified in this Act, the Local Government may by notification determine the functions to be discharged under this Act by any class of revenue-officers.*

Administrative Control.

Superintendence and control of revenue-officers.

11. (1) The Financial Commissioner shall be subject to the control of the Local Government.

(2) The general superintendence and control over all other revenue-officers shall be vested in, and all such officers shall be subordinate to, the Financial Commissioner.

(3) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other revenue-officers in his division.

(4) Subject as aforesaid and to the control of the Commissioner, a Collector shall control all other revenue-officers in his district.

Power to distribute business and withdraw and transfer cases.

12. (1) The Financial Commissioner or a Commissioner or Collector may by written order distribute, in such manner as he thinks fit, any business cognizable by any revenue-officer under his control.

(2) The Financial Commissioner or a Commissioner or Collector may withdraw any case pending before any revenue-officer under his control, and either dispose of it himself, or by written order refer it for disposal to any other revenue-officer under his control.

(3) An order under sub-section (1) or sub-section (2) shall not empower any officer to exercise any powers or deal with any business which he would not be competent to exercise or deal with within the local limits of his own jurisdiction.

Appeal, Review, and Revision.

Appeals.

13. Save as otherwise provided by this Act, an appeal shall lie from an original or appellate order of a revenue-officer as follows, namely :—

(a) to the Collector when the order is made by an Assistant Collector of either grade ;

(b) to the Commissioner when the order is made by a Collector ;

(c) to the Financial Commissioner when the order is made by a Commissioner :

* Rule 274.

Provided that—

(i) when an original order is confirmed on first appeal, a further appeal shall not lie;

(ii) when any such order is modified or reversed on appeal by the Collector, the order made by the Commissioner on further appeal, if any, to him shall be final.

14. Save as otherwise provided by this Act, the [illegible] — *Limitation for appeals.*

(a) when the appeal lies to the Collector—thirty days;

(b) when the appeal lies to the Commissioner—sixty days;

(c) when the appeal lies to the Financial Commissioner—ninety days.

15. (1) A revenue-officer may, either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse, or confirm any order passed by himself or by any of his predecessors in office: — *Review by revenue-officers.*

Provided as follows:

(a) when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed, and when a revenue-officer of a class below that of Collector proposes to review any order, whether passed by himself or by any of his predecessors in office, he shall first obtain the sanction of the revenue-officer to whose control he is immediately subject;

(b) an application for review of an order shall not be entertained, unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the revenue-officer that he had sufficient cause for not making the application within that period;

(c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;

(d) an order against which an appeal has been preferred shall not be reviewed.

(2) For the purposes of this section, the Collector shall be deemed to be the successor in office of any revenue-officer of a lower class who has left the district or has ceased to exercise powers as a revenue-officer, and to whom there is no successor in office.

(3) An appeal shall not lie from an order refusing to review or confirming on review a previous order.

Power to call for, examine, and revise proceedings of revenue-officers.

16 (1) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by, any revenue-officer subordinate to him.

(2) A Commissioner or Collector may call for the record of any case pending before, or disposed of by, any revenue-officer under his control.

(3) If in any case in which a Commissioner or Collector has called for a record he is of opinion that the proceedings taken, or order made, should be modified or reversed, he shall report the case with his opinion thereon for the orders of the Financial Commissioner.

(4) The Financial Commissioner may in any case called for by himself under sub-section (1) or reported to him under sub-section (3) pass such order as he thinks fit :

Provided that he shall not under this section pass an order reversing or modifying any proceeding or order of a subordinate revenue-officer and affecting any question of right between private persons without giving those persons an opportunity of being heard.

Procedure.

Power to make rules as to procedure.

17. (1) The Local Government may make rules consistent with this Act for regulating the procedure of revenue-officers under this Act in cases in which a procedure is not prescribed by this Act.

(2) The rules may provide, among other matters, for [illegible]

any of the powers in regard to contempts, resistance, and the like which a Civil Court may exercise in the execution of a decree whereby it has adjudged ejectment from, or delivery of possession of, such property.

(3) Subject to the rules under this section, a revenue-officer may refer any case which he is empowered to dispose of under this Act to another revenue-officer for investigation and report, and may decide the case upon the report.*

* Rules 279 to 287.

18. (1) Appearances before a revenue-officer, and applications to and acts to be done before him, under this Act may be made or done— Persons by whom appearances and applications may be made before and to revenue-officers.

(a) by the parties themselves, or

(b) by their recognized agents or a legal practitioner:

Provided that the employment of a recognized agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of the officer.

(2) For the purposes of sub-section (1), recognized agents shall be such persons as the Local Government may by notification declare in this behalf.*

(3) The fees of a legal practitioner shall not be allowed as costs in any proceeding before a revenue-officer under this Act unless that officer considers, for reasons to be recorded by him in writing, that the fees should be allowed.

19. (1) A revenue-officer may summon any person whose attendance he considers necessary for the purpose of any business before him as a revenue-officer. Power of revenue-officer to summon persons.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person or, if the summons so allows, by his recognized agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the revenue-officer may require.

20. (1) A summons issued by a revenue-officer shall, if practicable, be served (a) personally on the person to whom it is addressed, or failing him on (b) his recognized agent, or (c) an adult male member of his family usually residing with him. Mode of service of summons.

(2) If service cannot be so made, or if acceptance of service so made is refused, the summons may be served by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or, if that person does not reside in the district in which the revenue-officer is employed and the case to which the summons relates has reference to land in that district, then by posting a copy of the summons on some conspicuous place in or near the estate wherein the land is situate.

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* Rule 239.

(3) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the revenue-officer so directs, be served by delivery of a copy thereof to such of those persons as the revenue-officer nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.

(4) A summons may, if the revenue-officer so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866.

(5) When a summons is so forwarded in a letter and it is proved that the letter was properly addressed and duly posted and registered, the revenue-officer may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post.

Mode of service of notice, order or proclamation, or copy thereof.

21. A notice, order, or proclamation, or copy of any such document, issued by a revenue-officer for service on any person shall be served in the manner provided in the last foregoing section for the service of a summons.

Mode of making proclamation.

22. When a proclamation relating to any land is issued by a revenue-officer, it shall, in addition to any other mode of publication which may be prescribed in any provision of this Act, be made by beat of drum or other customary method, and by the posting of a copy thereof on a conspicuous place in or near the land to which it relates.

Supplemental Provisions.

Place of sitting.

23. (1) An Assistant Collector may exercise his powers under this Act at any place within the limits of the district in which he is employed.

(2) Any other revenue-officer may only exercise his powers under this Act within the local limits of his jurisdiction.

Holidays.

24. (1) The Financial Commissioner, with the approval of the Local Government, shall publish in the local official Gazette before the commencement of each calendar year a list of days to be observed in that year as holidays by all or any revenue-officers.

(2) A proceeding had before a revenue-officer on a day specified in the list as a day to be observed by him as a holiday shall not be invalid by reason only of its having been had on that day.

25. When a Collector dies or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the Local Government in this behalf shall be deemed to be a Collector under this Act. Discharge of duties of Collector dying or being disabled.

26. When a revenue-officer of any class who has been invested under the foregoing provisions of this Act with any powers to be exercised in any local area is transferred from that local area to another as a revenue-officer of the same or a higher class, he shall continue to exercise those powers in that other local area unless the Local Government otherwise directs or has otherwise directed. Retention of powers by revenue-officers on transfer.

27. (1) The Local Government may by notification confer on any person— Conferment of powers of revenue-officer.

(a) all or any of the powers of a Financial Commissioner, Commissioner, or Collector under this Act, or

(b) all or any of the powers with which an Assistant Collector may be invested thereunder,

and may by notification withdraw any powers so conferred.

(2) A person on whom powers are conferred under sub-section (1) shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise thereof be deemed to be a Financial Commissioner, Commissioner, Collector, or Assistant Collector, as the case may be.

(3) If any of the powers of a Collector under this Act are conferred on an Assistant Collector, they shall, unless the Local Government by special order otherwise directs, be exercised by him subject to the control of the Collector.

CHAPTER III.

KÁNÚNGOS, ZAILDÁRS, INÁMDÁRS AND VILLAGE-OFFICERS.

28. (1) The Financial Commissioner may make rules to regulate the appointment, duties, emoluments, punishment, suspension, and removal of kánúngos, zaildárs, inámdárs, and village-officers.* Rules respecting kánúngos, zaildárs, inámdárs and village-officers.

(2) Rules under sub-section (1) may direct that the emoluments of a zaildár, inámdár, or village-officer shall be such a percentage payable out of the land-revenue as may be prescribed by the rules, and that, where the land-revenue has been released, compounded for, or redeemed, the

* Rules 1—143 and 165—192.

percentage shall be a charge payable by the person who would be liable for the land-revenue if it had not been released, compounded for, or redeemed.

Village-officers' cess.

29. (1) The Local Government may by notification impose on any estate, or on all or any estates in any local area, a cess, to be called the village-officers' cess, at a rate not exceeding one anna for every rupee of the annual value, for remunerating village-officers and for defraying other expenditure directly connected with the supervision of those officers or with the performance of their duties.

(2) "Annual value" in the last foregoing sub-section has the meaning assigned to that expression in the Punjab District Boards Act, 1883.

(3) The Financial Commissioner may make rules for the collection, control, and expenditure of the village-officers' cess.*

(4) All cesses now levied in any local area for the purposes mentioned in sub-section (1) shall be deemed to have been lawfully imposed and shall, until the village-officers' cess is imposed in that local area under that sub-section, be deemed to be lawfully leviable and, for the purposes of this section, to be that cess.

Restriction on attachment or assignment of remuneration of kánúngos, zaildárs, inámdárs, and village-officers.

30. (1) The emoluments of a kánúngo, zaildár, inámdár, or village-officer shall not be liable to attachment in execution of a decree or order of any Civil or Revenue Court.

(2) An assignment of, or charge on, or an agreement to assign or charge, any such emoluments shall be void unless it is authorised by rules made by the Financial Commissioner in this behalf.

CHAPTER IV.

RECORDS.

Records-of-rights and Annual Records.

Records-of-rights and documents included therein.

31. (1) Save as otherwise provided by this chapter, there shall be a record-of-rights for each estate.

(2) The record-of-rights for an estate shall include the following documents, namely:—

(a) statements showing, so far as may be practicable,—

(i) the persons who are landowners, tenants, or assignees of land-revenue in the estate, or who are entitled to receive any of the rents, profits, or produce of the estate, or to occupy land therein;

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* Rules 3—4 and 260—264.

(ii) the nature and extent of the interests of those persons, and the conditions and liabilities attaching thereto, and

(iii) the rent, land-revenue, rates, cesses, or other payments due from and to each of those persons and to the Government;

(b) a statement of customs respecting rights and liabilities in the estate;

(c) a map of the estate; and

(d) such other documents as the Financial Commissioner may, with the previous sanction of the Local Government, prescribe.

32. (1) When it appears to the Local Government that a record-of-rights for an estate does not exist, or that the existing record-of-rights for an estate requires special revision, the Local Government may by notification direct that a record-of-rights be made, or that the record-of-rights be specially revised, as the case may be. Making or special revision of record-of-rights

(2) The notification may direct that records-of-rights shall be made or specially revised for all or any estates in any local area.

(3) A record-of-rights made or specially revised for an estate under this section shall be deemed to be the record-of-rights for the estate, but shall not affect any presumption in favour of the Government which has already arisen from any previous record-of-rights.*

33 (1) The Collector shall cause to be prepared by the patwári of each estate yearly, or at such other intervals as the Financial Commissioner may prescribe, an edition of the record-of-rights amended in accordance with the provisions of this chapter. Annual record.

(2) This edition of the record-of-rights shall be called the annual record for the estate, and shall comprise the statements mentioned in sub-section (2), clause (a), of section 31, and such other documents, if any, as the Financial Commissioner may, with the previous sanction of the Local Government, prescribe.†

(3) For the purposes of the preparation of the annual record, the Collector shall cause to be kept up by the patwári of each estate a register of mutations and such other registers as the Financial Commissioner may prescribe.

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* Rules 20—205
† Rules 57—67.

Procedure for making Records.

Making of that part of the annual record which relates to landowners, assignees of revenue, and occupancy tenants.

34 (1) Any person acquiring by inheritance, purchase, mortgage, gift, or otherwise, any right in an estate as a landowner, assignee of land-revenue, or tenant having a right of occupancy, shall report his acquisition of the right to the patwári of the estate.

(2). If [illegible] otherwise [illegible] charge of [illegible] wári.

(3). The patwári shall enter in his register of mutations every report made to him under sub-section (1) or sub-section (2), and shall also make an entry therein respecting the acquisition of any such right as aforesaid which he has reason to believe to have taken place, and of which a report should have been made to him under one or other of those sub-sections and has not been so made.

(4) A revenue-officer shall from time to time inquire into the correctness of all entries in the register of mutations and into all such acquisitions as aforesaid coming to his knowledge of which, under the foregoing sub-sections, report should have been made to the patwári and entry made in that register, and shall in each case make such order as he thinks fit with respect to the entry in the annual record of the right acquired.

(5) Such an entry shall be made by the insertion in that record of a description of the right acquired, and by the omission from that record of any entry in any record previously prepared, which by reason of the acquisition has ceased to be correct.

Making of that part of the annual record which relates to other persons.

35 (1) The acquisition of any interest in land other than a right referred to in sub-section (1) of the last foregoing section shall,—

(*a*) if it is undisputed, be recorded by the patwári in such manner as the Financial Commissioner may by rules in this behalf prescribe; and,

(*b*) if it is disputed, be entered by the patwári in the register of mutations and dealt with in the manner prescribed in sub-sections (4) and (5) of the last foregoing section.

Determination of disputes.

36. (1) If during the making, revision, or preparation of any record, or in the course of any inquiry under this chapter, a dispute arises as to any matter of which an entry is to be made in a record or in a register of mutations, a revenue-officer may of his own motion, or on the application of any party interested, but subject to the provisions

of the next following section, and after such inquiry as he thinks fit, determine the entry to be made as to that matter.

(2) If in any such dispute the revenue-officer is unable to satisfy himself as to which of the parties thereto is in possession of any property to which the dispute relates, he shall ascertain by summary inquiry who is the person best entitled to the property, and shall by order direct that that person be put in possession thereof, and that an entry in accordance with that order be made in the record or register.

(3) A direction of a revenue-officer under sub-section (2) shall be subject to any decree or order which may be subsequently passed by any Court of competent jurisdiction.

Restrictions on variation of entries in records

37. Entries in records-of-rights or in annual records, except entries made in annual records by patwárís under clause (*a*) of section 35 with respect to undisputed acquisitions of interests referred to in that section, shall not be varied in subsequent records otherwise than by—

(*a*) making entries in accordance with facts proved or admitted to have occurred;

(*b*) making such entries as are agreed to by all the parties interested therein or are supported by a decree or order binding on those parties;

(*c*) making new maps where it is necessary to make them.

Mutation fees.

38. (1) The Local Government may fix a scale of fees for all or any classes of entries in any record or register under this chapter and for copies of any such entries.

(2) A fee in respect of an entry shall be payable by the person in whose favour the entry is made. *

Penalty for neglect to report acquisition of any right referred to in section 34.

39. Any person neglecting to make the report required by section 34 within three months from the date of his acquisition of a right referred to in that section shall be liable, at the discretion of the Collector, to a fine not exceeding five times the amount of the fee which would have been payable according to the scale fixed under the last foregoing section if the acquisition of the right had been reported immediately after its accrual.

Obligation to furnish information necessary for the preparation of records.

40. Any person whose rights, interests, or liabilities are required to be entered in any record under this chapter shall be bound to furnish, on the requisition of any revenue-officer or village-officer engaged in compiling the record, all information necessary for the correct compilation thereof.

* Rule 52.

Rights of the Government and presumptions with respect thereto and to other matters.

Rights of the Government in mines and minerals.

41. All mines of metal and coal, and all earth-oil and gold-washings, shall be deemed to be the property of the Government, and the Government shall have all powers necessary for the proper enjoyment of its right thereto.

Presumption as to ownership of forests, quarries, and waste lands.

42. (1) When in any record-of-rights completed before the eighteenth day of November, 1871, it is not expressly provided that any forest, quarry, unclaimed, unoccupied, deserted, or waste land, spontaneous produce, or other accessory interest in land belongs to the landowners, it shall be presumed to belong to the Government.

(2) When in any record-of-rights completed after that date, it is not expressly provided that any forest or quarry or any such land or interest belongs to the Government, it shall be presumed to belong to the landowners.

(3) The presumption created by sub-section (1) may be rebutted by showing—

(*a*) from the record or report made by the assessing officer at the time of assessment, or

(*b*) if the record or report is silent, then from a comparison between the assessment of villages in which there existed, and the assessment of villages of similar character in which there did not exist, any forest or quarry, or any such land or interest,

that the forest, quarry, land, or interest was taken into account in the assessment of the land-revenue.

(4) Until the presumption is so rebutted, the forest, quarry, land, or interest shall be held to belong to the Government.

Compensation for infringement of rights of third parties in exercise of a right of the Government.

43. (1) Whenever, in the exercise of any right of the [illegible] ast foregoing [illegible] by the occu- [illegible] ly land, the [illegible] o that person compensation for the infringement.

(2) The compensation shall be determined as nearly as may be in accordance with the provisions of the Land Acquisition Act, 1870.

Presumption in favour of entries in records-of-rights and annual records.

44. An entry made in a record-of-rights in accordance with the law for the time being in force, or in an annual record in accordance with the provisions of this chapter and the rules thereunder, shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor.*

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* See Circular 17 para 14.

45. If any person considers himself aggrieved as to any right of which he is in possession by an entry in a record-of-rights or in an annual record, he may institute a suit for a declaration of his right under Chapter VI of the Specific Relief Act, 1877.

Suit for declaratory decree by person aggrieved by an entry in a record.

Supplemental Provisions.

46. The Financial Commissioner may makes rules—

Power to make rules respecting records and other matters connected therewith.

(a) prescribing the language in which records and registers under this chapter are to be made; *

(b) prescribing the form of those records and registers, and the manner in which they are to be prepared, signed, and attested;

(c) for the survey of land so far as may be necessary for the preparation and correction of those records and registers;

(d) for the conduct of inquiries by revenue-officers under this chapter; and

(e) generally for the guidance of revenue-officers and village-officers in matters pertaining to records and registers mentioned or referred to in this chapter †

47. (1) The Financial Commissioner may direct that a record-of-rights be made for any group of neighbouring estates instead of separately for each of the estates.

Records-of-rights and annual records for groups of estates.

(2) The provisions of this chapter with respect to a record-of-rights and annual record for an estate shall then, so far as they can be made applicable, apply to a record-of-rights and annual record for a group of estates.

CHAPTER V.

Assessment.

48. (1) All land, to whatever purpose applied and wherever situate, is liable to the payment of land-revenue to the Government, except such land as has been wholly exempted from that liability by special contract with the Government or by the provisions of any law for the time being in force.

Assessment of land-revenue.

(2) Land-revenue may be assessed in cash or in kind, or partly in cash and partly in kind, as the Local Government may direct.

(3) Land may be assessed to land-revenue notwithstanding that that revenue, by reason of its having been assigned, released, compounded for, or redeemed is not payable to the Government.

* Rules 144 and 201.

† Rules, Part I, Chapters II to IX, XI to XIII, and Part II, Chapter V.

General Assessments.

Notification of intended re-assessment and instructions as to principles of assessment.

49. (1) A general re-assessment of the land-revenue of a district or tahsîl shall not be undertaken without the previous sanction of the Governor-General in Council and notification of that sanction.

(2) In granting the sanction the Governor-General in Council may prescribe such principles of assessment and give such other instructions as he thinks fit.

Mode of determining assessment.

50. (1) The assessment shall be made by a revenue-officer.

(2) Before making it that officer shall report his proposed method of assessment for the sanction of the Financial Commissioner in such form as the Financial Commissioner, with the previous sanction of the Local Government, may prescribe.*

Announcement of assessment.

51. (1) When the revenue-officer has obtained the sanction of the Financial Commissioner to his proposed method of assessment, he shall make an order determining the assessment proper for each estate and announce it in such manner as the Local Government may prescribe.†

(2) At the time of announcing the assessment he shall also declare the date from which it is to take effect, and, subject to the other provisions of this Act, it shall take effect accordingly.

Application for reconsideration of assessment.

52. (1) The landowner may, within thirty days from the date of the announcement of the assessment, present a petition to the revenue-officer for a re-consideration of the amount, form, or conditions of the assessment.

(2) Where the land-revenue is assigned, the assignee thereof may within thirty days from that date present a like petition to the revenue-officer.

(3) The order passed by the revenue-officer on the petition shall set forth his reasons for granting or refusing it.

Confirmation and duration of assessment.

53. (1) An assessment of the land-revenue of a district or tahsîl shall not be considered final until it has been confirmed by the Local Government.

(2) At any time before an assessment is so confirmed the Commissioner or Financial Commissioner may modify the assessment of any estate in the district or tahsîl.

(3) The Local Government shall, when confirming an assessment under sub-section (1), fix the period for which the assessment is to be in force.

* See Circular 30

† Rule 209

54. Notwithstanding the expiration of the period fixed for the continuance of an assessment under sub-section (3) of the last foregoing section, the assessment shall remain in force till a new assessment takes effect.

Assessment to remain in force till new assessment takes effect.

55. (1) At any time within ninety days from the date of the announcement of an assessment the landowner or, where there are more landowners than one, any of them who would be individually or collectively liable for more than half the sum assessed may give notice to the revenue-officer of refusal to be liable for the assessment.

Refusal to be liable for assessment and consequences thereof.

(2) When the revenue-officer receives a notice under sub-section (1), the Collector may take possession of the estate and deal with it, as nearly as may be as if the annulment of the assessment thereof had been ordered as a process for the recovery of an arrear of land-revenue due thereon.

(3) While the estate is in the possession of the Collector, the landowner or landowners shall be entitled to receive from the Government an allowance, to be fixed by the Financial Commissioner, which shall not be less than five or more than ten per cent. of the net income realized by the Government from the estate.

56. (1) If the assessment announced under section 51 is in whole or in part a fixed assessment of an estate for a term of years, the revenue-officer shall, before the date on which the first instalment thereof becomes payable, make an order distributing it over the several holdings comprised in the estate and make and publish a record of the distribution.

Distribution of the assessment of an estate over the holdings comprised therein.

(2) The Collector may for sufficient reason make an order revising that record at any time while the assessment continues to be in force, and publish the record so revised.

(3) If the assessment announced under section 51 is in the form of rates chargeable according to the results of each year or harvest, a revenue-officer shall from year to year or from harvest to harvest, as the conditions of the assessment may require, make and publish, not later than one month before the first instalment of the land-revenue falls due, a record of the amount payable in respect of each holding.

(4) The Financial Commissioner may make rules for the guidance of revenue-officers in making, publishing, and revising records under this section.*

57. (1) Any person affected by a record made under sub-section (1) or sub-section (3) of the last foregoing section, or by the revision of a record under sub-section (2) of that section, may, within thirty days from the date of

Application for amendment of the distribution of an assessment.

* Rules 210—213.

the publication of the record, present a petition to the revenue-officer for a re-consideration of the record so far as it affects him.

(2) The order passed by the revenue-officer on the petition shall set forth his reasons for granting or refusing it.

Appeals from orders under sections 52 and 57. 58. An appeal from an order under the last foregoing section or section 52 shall lie to the Commissioner, and from the appellate order of the Commissioner to the Financial Commissioner.

Special Assessments.

Special assessments. 59. (1) Special assessments may be made by revenue-officers in the following cases, namely :—

(a) when estates are formed under the next following section ;

(b) when land-revenue which has been released or assigned is resumed ;

(c) when waste-lands are sold, leased, or granted by the Government ;

(d) when the assessment of any land has been annulled or the landowner has refused to be liable therefor, and the term for which the land was to be managed by the Collector or his agent or let in farm has expired ;

(e) when assessments of land-revenue require revision in consequence of the action of water or sand or of calamity of season or from any other cause ;

(f) when revenue due to the Government on account of pasture or other natural products of land, or on account of mills, fisheries, or natural products of water, or on account of other rights described in section 41 or section 42, has not been included in an assessment made under the foregoing provisions of this chapter.

(2) The Financial Commissioner may make rules for the guidance of revenue-officers in making special assessments, and may confirm such assessments.*

(3) The foregoing provisions of this chapter with respect to general assessments shall, subject to such modifications thereof as the Financial Commissioner may prescribe by rules under the last foregoing sub-section, regulate the procedure of revenue-officers making special assessments.

* Rules 214—222.

60. (1) When, in the opinion of the Collector or of an officer making a general re-assessment of land-revenue under the foregoing provisions of this chapter, the waste land belonging to or adjoining an estate is so extensive as to exceed the requirements of the owners of the estate with reference to pasturage or other useful purpose, the Collector or officer may at any time, with the previous sanction of the Financial Commissioner, make a separate assessment of the waste land which he considers to be so in excess, and offer that land at that assessment, for such term and on such conditions as he thinks fit, to the owners of the estate to which it belongs, and, if they refuse the offer, to the owners of any estate which the land adjoins, and, if they also refuse the offer, to any other person. Formation of waste land into separate estates.

(2) When the owners of the estate to which the waste land belongs refuse the offer, the Collector shall assign to them an annual allowance not less than five and not more than ten per cent. of the net income realized by the Government from the land.

CHAPTER VI.

Collection of Land Revenue.*

61. (1) In the case of every estate, the entire estate and the landowner, or, if there are more than one, the landowners jointly and severally, shall be liable for the land-revenue for the time being assessed on the estate: Security for payment of land-revenue.

Provided that—

(a) the Local Government, with the previous sanction of the Governor-General in Council, may by notification declare that in any estate a holding or its owner shall not be liable for any part of the land-revenue for the time being assessed on the estate except that part which is payable in respect of the holding; and

(b) when there are superior and inferior landowners in the same estate, the Financial Commissioner may by rule, or by special order in each case, determine whether the superior or inferior landowners shall be liable for the land-revenue, or whether both shall be so liable, and, if so, in what proportions.†

(2) A notification under proviso (a) to sub-section (1) may have reference to any single estate or to any class of estates or estates generally in any local area.

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* See also Act I of 1890 (Appendix A).

† Rule 208.

Further security for payment of land-revenue.

62. (1) The land-revenue for the time being assessed on an estate or payable in respect of a holding shall be the first charge upon the rents, profits, and produce thereof

(2) Without the previous consent of the Collector, the rents, profits, or produce of an estate or holding shall not be liable to be taken in execution of a decree or order of any Court until the land-revenue chargeable against the rents, profits, or produce, and any arrear of land-revenue due in respect of the estate or holding, have been paid.

Orders to regulate payment of land-revenue.

63. (1) Notwithstanding anything in any record-of-rights, the Financial Commissioner may fix the number and amount of the instalments, and the times, places, and manner, by, at, and in which land-revenue is to be paid.

(2) Until the Financial Commissioner otherwise directs, land-revenue shall be payable by the instalments, at the times and places and in the manner, by, at, and in which it is payable at the commencement of this Act.

Rules to regulate collection, remission, and suspension of land revenue.

64. (1) The Financial Commissioner may make rules consistent with this Act to regulate the collection, remission, and suspension of land-revenue, and may by those rules determine the circumstances and terms in and on which assigned land-revenue may be collected by the assignee.*

(2) Where land-revenue due to an assignee is collected by a revenue-officer, there shall be deducted from the sum collected such a percentage on account of the cost of collection as the Financial Commissioner may by rule in this behalf prescribe.†

(3) A suit for an arrear of assigned land-revenue shall not be entertained unless there is annexed to the plaint at the time of the presentation thereof a document under the hand of the Collector specially authorising the institution of the suit.

Costs recoverable as part of arrear.

65. *The costs of any process issued under this chapter* shall be recoverable as part of the arrear of land-revenue in respect of which the process was issued.

Certified account to be evidence as to arrear.

66. A statement of account certified by a revenue-officer shall be conclusive proof of the existence of an arrear of land-revenue, of its amount and of the person who is the defaulter.

Processes for recovery of arrears.

67. Subject to the other provisions of this Act, an arrear of land-revenue may be recovered by any one or more of the following processes, namely :—

* Rules 223, 242, and 246—255.
† Rule 227.

(*a*) by service of a writ of demand on the defaulter;

(*b*) by arrest and detention of his person;

(*c*) by distress and sale of his moveable property and uncut or ungathered crops;

(*d*) by transfer of the holding in respect of which the arrear is due;

(*e*) by attachment of the estate or holding in respect of which the arrear is due;

(*f*) by annulment of the assessment of that estate or holding;

(*g*) by sale of that estate or holding;

(*h*) by proceedings against other immoveable property of the defaulter.

68. A writ of demand may be issued by a revenue-officer on or after the day following that on which an arrear of land-revenue accrues. Writ of demand

69. (1) At any time after an arrear of land-revenue has accrued a revenue-officer may issue a warrant directing an officer named therein to arrest the defaulter and bring him before the revenue-officer. Arrest and detention of defaulter.

(2) When the defaulter is brought before the revenue-officer, the revenue-officer may cause him to be taken before the Collector, or may keep him under personal restraint for a period not exceeding ten days, and then, if the arrear is still unpaid, cause him to be taken before the Collector.

(3) When the defaulter is brought before the Collector, the Collector may issue an order to the officer in charge of the civil jail of the district, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of the order, as the Collector thinks fit.

(4) The process of arrest and detention shall not be executed against a defaulter who is a female, a minor, a lunatic, or an idiot.

70. (1) At any time after an arrear of land-revenue has accrued, the moveable property and uncut or ungathered crops of the defaulter may be distrained and sold by order of a revenue-officer. Distress and sale of moveable property and crops.

(2) The distress and sale shall be conducted, as nearly as may be, in accordance with the law for the time being in force for the attachment and sale of moveable property under the decree of a revenue-court constituted under the Punjab Tenancy Act, 1887:

Provided that, in addition to the particulars exempted by that law from liability to sale, so much of the produce of the land of the defaulter as the Collector thinks necessary for seed-grain and for the subsistence, until the harvest next following, of the defaulter and his family, and of any cattle exempted by that law, shall be exempted from sale under this section.

Transfer of holding.

71. (1) At any time after an arrear of land-revenue has accrued on a holding, the Collector may transfer the holding to any person being a landowner of the estate in which the holding is situate and not being a defaulter in respect of his own holding, on condition of his paying the arrear before being put in possession of the holding, and on such further conditions as the Collector may see fit to prescribe.

(2). The transfer may, as the Collector thinks fit, be either till the end of the agricultural year in which the defaulter pays to the transferee the amount of the arrear which the transferee paid before being put in possession of the holding, or for a term not exceeding fifteen years from the commencement of the agricultural year next following the date of the transfer.

(3). The Collector shall report to the Financial Commissioner any transfer made by him under this section, and the Financial Commissioner may set aside the transfer or alter the conditions thereof, or pass such other order as he thinks fit.

(4). A transfer under this section shall not affect the joint and several liability of the landowners of the estate in which it is enforced.

(5). In respect of all rights and liabilities arising under this Act the person to whom the holding is transferred shall, subject to the conditions of the transfer, stand in the same position as that in which the defaulter would have stood if the holding had not been transferred.

(6). When the transfer was for a term, the holding shall, on the expiration of the term, be restored by the Collector to the defaulter free of any claim on the part of the Government or the transferee for any arrear of land-revenue or rates and cesses due in respect thereof.

Attachment of estate or holding.

72. (1). At any time after an arrear of land-revenue has accrued, the Collector may cause the estate or holding in respect of which the arrear is due to be attached and taken under his own management or that of an agent appointed by him for that purpose.

(2) The Collector or the agent shall be bound by all the engagements which existed between the defaulter and his tenants, if any, and shall be entitled to manage the land and to receive all rents and profits accruing therefrom to the exclusion of the defaulter until the arrear has been satisfied, or until the Collector restores the land to the defaulter.

(3) All surplus profits of the land attached beyond the cost of attachment and management and the amount necessary to meet the current demand for land-revenue and rates and cesses shall be applied in discharge of the arrear.

(4) Land shall not be attached for the same arrear for a longer term than five years from the commencement of the agricultural year next following the date of the attachment, but if the arrear is sooner discharged, the land shall be released and the surplus receipts, if any, made over to the landowner.

73. (1) When an arrear of land-revenue has been due for a longer period than one month, and the foregoing processes are not deemed sufficient for the recovery thereof, the Financial Commissioner may, in addition to or instead of all or any of those processes, order the existing assessment of the estate or holding in respect of which the arrear is due to be annulled. Annulment of assessment of estate or holding.

(2) The provisions of this section shall not be put in force for the recovery of an arrear of land-revenue which has accrued on land—

(a) while under attachment under the last foregoing section, or

(b) while under the charge of the Court of Wards.

(3) When the assessment of any land has been annulled, the Collector may, with the previous sanction of the Financial Commissioner, either manage the land himself or through an agent, or let it in farm to any person willing to accept the farm, for such term and on such conditions as may be sanctioned by the Financial Commissioner.

Provided that the term for which land may be so managed or farmed shall not be longer than fifteen years from the commencement of the agricultural year next following the date of the annulment.

(4) At some time before the expiration of that term the Collector shall determine the assessment to be paid in respect of the estate or holding for the remainder of the term

of the current assessment of the district or tahsil, and, when that assessment has been sanctioned by the Financial Commissioner, shall announce it to the landowner.

(5) The landowner may give notice to the Collector of refusal to be liable for the assessment within thirty days from the date on which the assessment was announced to him.

(6) If notice is so given, the Collector may, with the previous sanction of the Financial Commissioner, take the estate or holding under direct management, or farm it for the remainder of the term of the current assessment of the district or tahsil, or for any period within that term which the Financial Commissioner may fix.

(7) When the assessment of a holding is annulled, the joint responsibility of the other landowners of the estate for the land-revenue of that holding becoming due after the annulment shall be in abeyance until a new assessment takes effect.

(8) The Financial Commissioner may direct that any contract made by the defaulter, or by any person through whom the defaulter claims, with respect to any land comprised in an estate or holding of which the assessment has been annulled, shall not be binding on the Collector or his agent or farmer during the period for which the estate or holding remains under the management of the Collector or his agent or is let in farm.

Proclamation of attachment or annulment of assessment, and consequences of the proclamation.

74. (1) When any land is attached under section 72, or when the assessment of any land has been annulled under the last foregoing section, the Collector shall make proclamation thereof.

(2) No payment made by any person to the defaulter before the making of the proclamation on account of rent or any other asset in anticipation of the usual time for the payment shall, without the special sanction of the Collector, be credited to that person or relieve him from liability to make the payment to the Collector or his agent or farmer.

(3) No payment made after the making of the procla- [illegible] other asset of the estate or [illegible] than the Collector or his [illegible] ted to the person making the payment or relieve him from liability to make the payment to the Collector or his agent or farmer.

Sale of estate or holding.

75. When an arrear of land-revenue has accrued and the foregoing processes are not deemed sufficient for the recovery thereof, the Collector, with the previous sanction

of the Financial Commissioner, may, in addition to, or instead of, all or any of those processes, and subject to the provisions hereinafter contained, sell the estate or holding in respect of which the arrear is due :

Provided that land shall not be sold for the recovery of—

(a) any arrear which has accrued while the land was under the charge of the Court of Wards, or was so circumstanced that the Court of Wards might have exercised jurisdiction over it under the provisions of section 35 of the Punjab Laws Act, 1872, clause (a), (b), (c), or (d) ; or

(b) any arrear which has accrued while the land was under attachment under section 72 of this Act ; or

(c) any arrear which has accrued while the land was held under direct management by the Collector or in farm by any other person, under section 73, after either an annulment of assessment or a refusal to be liable therefor.

Effect of sale on incumbrances.

76. (1) Land sold under the last foregoing section shall be sold free of all incumbrances ; and all grants and contracts previously made by any person other than the purchaser in respect of the land shall become void as against the purchaser at the sale.

(2) Nothing in sub-section (1) shall affect—

(a) a tenant's right of occupancy, unless the right was created by the defaulter himself ; or

(b) any lease at a fair rent, temporary or perpetual, for the erection of a dwelling-house or manufactory, or for a mine, garden, tank, canal, place of worship, or burial-ground, so long as the land continues to be used for the purpose specified in the lease ; or

(c) any incumbrance, grant, contract, or right of occupancy specially saved by order of the Financial Commissioner and proclaimed as hereinafter provided.

Proceedings against other immoveable property of defaulter.

77. (1) If the arrear cannot be recovered by any of the processes hereinafter provided, or if the Financial Commissioner considers the enforcement of any of those processes to be inexpedient, the Collector may, where the defaulter owns any other estate or holding, or any other immoveable property, proceed under the provisions of this Act against that property as if it were the land in respect of which the arrear is due :

Provided that no interests save those of the defaulter alone shall be so proceeded against, and no incumbrances created, grants made, or contracts entered into by him in good faith shall be rendered invalid by reason only of his interests being proceeded against.

(2) When the Collector determines to proceed under this section against immoveable property other than the land in respect of which the arrear is due, he shall issue a proclamation prohibiting the transfer or charging of the property.

(3) The Collector may at any time by order in writing withdraw the proclamation, and it shall be deemed to be withdrawn when either the arrear has been paid or the interests of the defaulter in the property have been sold for the recovery of the arrear

(4) Any private alienation of the property, or of any interest of the defaulter therein, whether by sale, gift, mortgage, or otherwise, made after the issue of the proclamation and before the withdrawal thereof shall be void.

(5) In proceeding against property under this section, the Collector shall follow, as nearly as the nature of the property will admit, the procedure prescribed for the enforcement of process against land on which an arrear of land-revenue is due.

Remedies open to person denying his liability for an arrear.

78. (1) Notwithstanding anything in section 66, when proceedings are taken under this Act for the recovery of an arrear, the person against whom the proceedings are taken may, if he denies his liability for the arrear or any part thereof, and pays the same under protest made in writing at the time of payment and signed by him or his agent, institute a suit in a Civil Court for the recovery of the amount so paid.

(2) A suit under sub-section (1) must be instituted in a Court having jurisdiction in the place where the office of the Collector of the district in which the arrear or some part thereof accrued is situate.

Procedure in Sales.

Proclamation of sale.

79. (1) On the receipt of the sanction of the Financial Commissioner to the sale of any immoveable property, the Collector shall issue a proclamation of the intended sale, specifying—

(a) the date, time, and place of the sale;

(b) the property to be sold, and, if it is an estate or holding, the land-revenue assessed thereon or payable in respect thereof;

(c) if the property is to be sold for the recovery of an arrear due in respect thereof, the incumbrances, grants, contracts, and rights of occupancy, if any, specially saved by order of the Financial Commissioner under section 76, sub-section (2), clause (c) ;

(d) if the property is to be sold otherwise than for the recovery of an arrear due in respect thereof, any incumbrance, grant, or contract to which the property is known to be liable ; and

(e) the amount for the recovery of which the sale is ordered

(2) The proclamation shall also state that any person intending to claim a right of pre-emption must, on pain of forfeiting the right, give notice of his intention to the Collector on an office-day before that fixed for the sale.

(3) The place of sale specified under clause (a) of sub-section (1) must be either the office of the Collector or some place appointed by the Collector in this behalf and situate in or near the property to be sold.

80 A revenue-officer shall not be answerable for any error, mis-statement, or omission in any proclamation under the last foregoing section, unless the same has been committed or made dishonestly. Indemnity to revenue-officer with respect to contents of proclamation

81. (1) A copy of the proclamation shall be served on the defaulter and be posted in a conspicuous part of the office of the tahsildár of the tahsíl in which the property to be sold is situate. Publication of proclamation.

(2) After a copy of the proclamation has been served on the defaulter and posted in the office of the tahsildár a copy thereof shall be posted in the office of the Collector.

(3) The proclamation shall be further published in manner prescribed in section 22 and in such other manner as the Collector thinks expedient.

82. (1) The sale shall not take place on a Sunday or other holiday, or till after the expiration of at least thirty days from the date on which the copy of the proclamation was posted in the office of the Collector. Time and conduct of sale.

(2) The sale shall be by public auction, and shall be conducted either by the Collector in person or by a revenue-officer specially appointed by him in this behalf.

83. The Collector may from time to time postpone the sale. Power to postpone sale.

Stay of sale. 84. If at any time before the bidding at the auction is completed the defaulter pays the arrear in respect of which the property has been proclaimed for sale, together with the costs incurred for the recovery thereof, to the officer conducting the sale, or proves to the satisfaction of that officer that he has already paid the same either at the place and in the manner prescribed under section 63, or into the Government treasury, the sale shall be stayed.

Payment of deposit by highest bidder. 85. When the highest bid at the auction has been ascertained, the person who made that bid shall, on the requisition of the officer conducting the sale, pay to that officer a deposit of twenty-five per centum on the amount of his bid, and shall, on payment thereof, be declared to be the purchaser, subject to the provisions of this chapter with respect to the exercise of any right of pre-emption.

Consequences of failure to pay deposit. 86. If the person who made the highest bid fails to pay the deposit as required by the last foregoing section, the property shall forthwith be put up again and sold, and all expenses attending the first sale and the deficiency of price, if any, which may happen on the re-sale, may be recovered from him by the Collector as if the same were an arrear of land-revenue.

Exercise of right of pre-emption. 87. (1) At any time before the close of the day on which the sale takes place any person who has given notice of his intention to claim a right of pre-emption under section 79, sub-section (2), may, on payment to the officer conducting the sale of a deposit of twenty-five per centum on the highest bid made at the sale, claim to take the property at that bid.

(2). If the right is not disputed, he shall be declared to be the purchaser.

(3). If the right is disputed, the Collector shall inquire into and decide the dispute and declare the purchaser, and his decision and declaration shall be final.

Time for payment in full. 88. The full amount of the purchase-money shall be paid by the purchaser before the close of the fifteenth day from that on which the purchaser was declared.

Procedure in default of payment. 89. In default of payment of the full amount of the purchase-money within the period mentioned in the last foregoing section, the deposit referred to in section 85 or section 87, as the case may be, shall, after defraying the expenses of the sale, be forfeited to the Government, and may, if the Collector, with the previous sanction of the Commissioner, so directs, be applied in reduction of the arrear, and the property shall be re-sold, and the defaulting purchaser shall have no claim to the property or to any part of the sum for which it may subsequently be sold.

90. Every sale of immoveable property under this chapter shall be reported by the Collector to the Commissioner.

Report of sale to Commissioner.

91. (1) At any time within thirty days from the date of the sale, application may be made to the Commissioner to set aside the sale, on the ground of some material irregularity or mistake in publishing or conducting it.

Application to set aside sale.

(2) But a sale shall not be set aside on that ground unless the applicant proves to the satisfaction of the Commissioner that he has sustained substantial injury by reason of the irregularity or mistake.

92. (1) After the expiration of thirty days from the date of the sale, if such application as is mentioned in the last foregoing section has not been made, or if such application has been made and rejected, the Commissioner shall make an order confirming the sale, and, if such application has been made and allowed, the Commissioner shall make an order setting aside the sale.

Order confirming or setting aside sale.

(2) An order made under this section shall be final.

93. Whenever the sale of any property is set aside the purchaser shall be entitled to receive back his purchase-money.

Refund of purchase-money on setting aside of sale.

94. A sale made after a postponement under section 83, and a re-sale consequent on a purchaser's default under section 89, or on the setting aside of a sale under section 92, shall be made after the issue of a fresh proclamation in the manner hereinbefore prescribed for the sale.

Proclamation after postponement or on re-sale.

95. (1) After a sale has been confirmed in the manner aforesaid the Collector shall put the person declared to be the purchaser into possession of the property sold, and shall grant him a certificate to the effect that he has purchased that property.

On confirmation of sale, possession and certificate to be granted to purchaser.

(2) The certificate shall state whether or not the property was sold for the recovery of an arrear due in respect thereof, and, if it was so sold, shall set forth the

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section 70, sub-section (2), clause (c).

(3) The certificate shall be deemed to be a valid transfer of the property, but need not be registered as a conveyance.

(4) Any suit brought in any Court against the certified purchaser on the ground that the purchase was made

on behalf of a person other than the certified purchaser shall be dismissed with costs.

(5) The certified purchaser of any immoveable property shall be entitled to all rents and profits falling due in respect of the property after the date of the confirmation of the sale and be liable for all instalments of land-revenue and rates and cesses falling due in respect thereof after that date.

Proceeds of sale.

96. (1) When a sale of immoveable property under this chapter has been confirmed, the proceeds of the sale shall be applied in the first place to the payment of any arrears, including costs incurred for the recovery thereof, due to the Government from the defaulter at the date of the confirmation of the sale, whether the arrears are of land-revenue or of sums recoverable as arrears of land-revenue, and the surplus, if any, shall be paid to the person whose property has been sold, or, if the property sold was owned by more than one person, then to the owners either collectively or according to the amount of their recorded interests, as the Collector thinks fit.

(2) The surplus shall not, except under an order of a Court, be paid to any creditor of a person whose property has been sold.

(3) If the proceeds of the sale fall short of such arrears as are referred to in sub-section (1), the balance remaining due from the defaulter may be recovered from him by further proceedings under this chapter or by any other means authorised by law.

CHAPTER VII.

RECOVERY OF OTHER DEMANDS BY REVENUE-OFFICERS.

Recovery of certain arrears through revenue-officer instead of by suit.

97. When a village-officer required by rules under section 28 to collect any land-revenue or sum recoverable as an arrear of land-revenue satisfies a revenue-officer [illegible]

recover it as if it were an arrear of land-revenue.*

Other sums recoverable as arrears of land-revenue.

98. In addition to any sums recoverable as arrears of land-revenue under this Act or any other enactment for the time being in force, the following sums may be so recovered, namely :—

(a) fees, fines, costs, and other charges, including the village-officers' cess, payable under this Act ;

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* Rules 213—215.

(*b*) revenue due to the Government on account of pasture or other natural products of land, or on account of mills, fisheries, or natural products of water, or on account of other rights described in section 41 or section 42, in cases in which the revenue so due has not been included in the assessment of an estate;

(*c*) fees payable to district boards or local boards under section 33 of the Punjab District Boards Act, 1883, for the use of, or benefits derived from, such works as are referred to in section 20, clauses (*i*) and (*j*) of that Act;

(*d*) sums leviable by or under the authority of the Government as water rates, or on account of the

enactment for the time being in force; and

(*e*) sums payable to the Government by a person who is surety for the payment of any of the foregoing sums or of any other sum recoverable as an arrear of land-revenue.

Application of chapter VI to sums recoverable under this chapter.

99. (1) The provisions of chapter VI shall, with respect to any sum mentioned or referred to in this chapter, apply, so far as they can be made applicable, as if the sum were an arrear of land-revenue and the person from whom, either as principal or as surety, it is due were a defaulter in respect of such an arrear.

(2) Unless any such sum is declared by any enactment for the time being in force to be recoverable as if it were an arrear of land-revenue due in respect of the land charged therewith, the provisions of section 77 shall apply under sub-section (1) to the recovery thereof.

CHAPTER VIII.

SURVEYS AND BOUNDARIES.

Power of Financial Commissioner to make rules for demarcation of boundaries and erection of survey marks.

100. (1) The Financial Commissioner may make rules as to the manner in which the boundaries of all or any estate in any local area are to be demarcated and as to the survey marks to be erected within those estates.

(2) Rules under this section may prescribe, among other matters, the form of survey marks and the material to be used in their construction.*

* Rules 194—199.

Power of revenue-officers to define boundaries.

101. (1) A revenue-officer may, for the purpose of framing any record or making any assessment under this Act, or on the application of any person interested, define the limits of any estate, or of any holding, field, or other portion of an estate, and may, for the purpose of indicating those limits, require survey marks to be erected or repaired.*

(2) In defining the limits of any land under sub-section (1), the revenue-officer may cause survey marks to be erected on any boundary already determined by, or by order of, any Court, revenue-officer, or Forest Settlement Officer, or restore any survey mark already set up by, or by order of, any Court or any such officer.

Cost of erection and repair of survey marks.

102. Subject to any rules which the Financial Commissioner may make in this behalf, survey marks shall be erected and kept in repair by or at the cost of the persons interested in the land for the indication of the limits of which they are required: provided that the Local Government may in any case direct that the cost of erection shall be borne by the Government or be paid out of the proceeds of the village-officers' cess.

Recovery of cost incurred by the Government.

103. (1) If the persons interested in the land fail to erect or repair a survey mark within thirty days from the date of their being required by a revenue-officer to do so, the revenue-officer may cause it to be erected or repaired.

(2) Where the revenue-officer causes a survey mark to be erected or repaired, he shall, subject to any rules or direction under the last foregoing section, apportion the cost among the persons interested in the land in such manner as he deems just, and certify the same to the Collector.

(3) The Collector may recover the cost as if it were an arrear of land-revenue.

Power of revenue-officers to enter on land for purposes of survey and demarcation.

104. Any revenue-officer, and any person acting under the orders of a revenue-officer, may, in the discharge of any duty under this Act, enter upon and survey land and erect survey marks thereon and demarcate the boundaries thereof, and do all other acts necessary for the proper performance of that duty.

Surveys for purpose of preparation of records.

105. (1) When any land is being surveyed in pursuance of rules under section 46, clause (c), any revenue-officer directing the survey may, by notice or proclamation, require all persons having rights or interests in the land to indicate, within a specified time, by temporary marks of a kind to be described in the notice or proclamation, the limits of those rights or interests.

* See Circular 17, para. 17.

(2) If a person to whom the notice or proclamation is addressed fails to comply with the requisition, he shall be liable at the discretion of the revenue-officer to fine which may extend to ten rupees.

Provision of flagholders and chainmen for those surveys.

106. (1) For the purposes of the survey of any land in pursuance of rules under section 46, clause (c), the land-owners shall be bound to provide fit persons to act as flag-holders and chainmen.

(2) If the landowners fail to provide such persons or to provide them in sufficient number, such other persons as a revenue-officer considers necessary may be employed, and the cost of employing them recovered from the land-owners as if it were an arrear of land-revenue.

Professional surveys.

107. (1) If it is necessary to make a survey by other agency than that of revenue-officers or village officers, the Local Government may publish a notification stating—

(a) the local area to be surveyed and the nature of the survey;
(b) the names or official designations of the officers by whom the survey is to be made; and
(c) the kind of survey marks to be erected by those officers.

(2) From the date of the notification the officers specified therein, and the persons acting under their orders, shall have for the purposes of the survey the powers conferred on revenue-officers by section 104.

Penalty for destruction, injury, or removal of survey marks.

108. (1) If any person wilfully destroys or injures or without lawful authority removes a survey mark lawfully erected, he may be ordered by a revenue-officer to pay such fine not exceeding fifty rupees for each mark so destroyed, injured, or removed as may, in the opinion of the revenue-officer, be necessary to defray the expense of restoring the same and of rewarding the person, if any, who gave information of the destruction, injury, or removal.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code.

Report of destruction or removal of, or injury to, survey marks.

109 Every village-officer of an estate shall be legally bound to furnish a revenue-officer with information respecting the destruction or removal of, or any injury done to, any survey mark lawfully erected in the estate.

CHAPTER IX.

PARTITION *

Effect of partitions of estates and tenancies on joint liability for revenue and rents

110. (1) A partition of land, either under this chapter or otherwise, shall not, without the express consent of the Financial Commissioner, affect the joint liability of

* See also Circular 64.

the land or of the landowners thereof for the revenue payable in respect of the land, or operate to create a new estate, and, if any conditions are attached to that consent, those conditions shall be binding on the parties to the partition.

(2) A partition of a tenancy shall not, without the express consent of the landlord, affect the joint liability of the co-sharers therein for the payment of the rent thereof.

Application for partition.

111. Any joint owner of land, or any joint tenant of a tenancy in which a right of occupancy subsists, may apply to a revenue-officer for partition of his share in the land or tenancy, as the case may be, if—

(a) at the date of the application the share is recorded under chapter IV as belonging to him, or

(b) his right to the share has been established by a decree which is still subsisting at that date, or

(c) a written acknowledgment of that right has been executed by all persons interested in the admission or denial thereof.

Restriction and limitations on partition.

112 Notwithstanding anything in the last foregoing section—

(1) places of worship and burial-grounds held in common before partition shall continue to be so held after partition, unless the parties otherwise agree among themselves and record their agreement and file it with the revenue-officer;

(2) partition of any of the following properties, namely :—

(a) any embankment, water-course, well, or tank, and any land on which the supply of water to any such work may depend,

(b) any grazing ground, and

(c) any land which is occupied as the site of a town or village and is assessed to land revenue,

may be refused if, in the opinion of the revenue-officer the partition of such property is likely to cause inconvenience to the co-sharers or other persons directly or indirectly interested therein or to diminish the utility thereof to those persons;

(3) the fact that a partition on the application of a joint owner of land would render necessary the severance into two or more parts of the

land comprised in the tenancy of a tenant having a right of occupancy may, unless the tenant assents to the severance, be a sufficient reason for the disallowance of the partition in so far as it would affect that tenancy; and.

(4) the fact that the landlord objects to the partition of a tenancy may be sufficient reason for the absolute disallowance of the partition thereof.

113 The revenue-officer, on receiving the application under section 111, shall, if it is in order and not open to objection on the face of it, fix a day for the hearing thereof, and— Notice of application for partition.

(a) cause notice of the application and of the day so fixed to be served on such of the recorded co-sharers as have not joined in the application, and, if the share of which partition is applied for is a share in a tenancy, on the landlord also, and

(b) if he thinks fit, cause the notice to be served on, or proclaimed for the information of, any other persons whom he may deem to be directly or indirectly interested in the application.

114. On the day fixed for the hearing, or on any day to which the hearing may be adjourned, the revenue-officer shall ascertain whether any of the other co-sharers desire the partition of their shares also, and if any of them so desire, he shall add them as applicants for partition. Addition of parties to application.

115. After examining such of the co-sharers and other persons as may be present on that day, the revenue-officer may, if he is of opinion that there is good and sufficient cause why partition should be absolutely disallowed, refuse the application, recording the grounds of his refusal. Absolute disallowance of partition.

116. If the revenue-officer does not refuse the application under the last foregoing section, he shall ascertain the questions, if any, in dispute between any of the persons interested, distinguishing between— Procedure on admission of application.

(a) questions as to title in the property of which partition is sought; and

(b) questions as to the property to be divided, or the mode of making the partition.

117. (1) When there is a question as to title in any of the property of which partition is sought, the revenue-officer may decline to grant the application for parti- Disposal of questions as to title in property to be divide

tion until the question has been determined by a competent Court, or he may himself proceed to determine the question as though he were such a Court.

2) Where the revenue-officer himself proceeds to determine the question, the following rules shall apply, namely :—

(a) If the question is one over which a Revenue Court has jurisdiction, the revenue-officer shall proceed as a Revenue Court under the provisions of the Punjab Tenancy Act, 1887.

(b) If the question is one over which a Civil Court has jurisdiction, the procedure of the revenue-officer shall be that applicable to the trial of an original suit by a Civil Court, and he shall record a judgment and decree containing the particulars required by the Code of Civil Procedure to be specified therein.*

(c) An appeal shall lie from the decree of the revenue-officer under clause (b) as though that decree were a decree of a district judge in an original suit.

(d) Upon such an appeal being made, the Divisional Court or Chief Court, as the case may be, may issue an injunction to the revenue-officer requiring him to stay proceedings, pending the disposal of the appeal.

(e) From the appellate decree of a Divisional Court upon such an appeal a further appeal shall lie to the Chief Court, if such a further appeal is allowed by the law for the time being in force.

Disposal of other questions. 118. (1) When there is a question as to the property to be divided, or the mode of making a partition, the revenue-officer shall, after such inquiry as he deems necessary, record an order stating his decision on the question and his reasons for the decision.

(2) An appeal may be preferred to the Commissioner from an order under sub-section (1) within fifteen days from the date thereof, and, when such an appeal is preferred and the institution thereof has been certified to the revenue-officer by the Commissioner, the revenue-officer shall stay proceedings, pending the disposal of the appeal.

(3) If an applicant for partition is dissatisfied with an original or appellate order under this section, and applies for permission to withdraw from the proceedings in so far as they relate to the partition of his share, he shall be permitted to withdraw therefrom on such terms as the revenue-officer thinks fit.

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* Cp rule 254

(4) When an applicant withdraws under the last foregoing sub-section, the revenue-officer may, where the other applicants, if any, desire the continuance of the proceedings, continue them in so far as they relate to the partition of the shares of those other applicants.

Administration of property excluded from partition.

119. When any such property as is referred to in section 112, clause (2), is excluded from partition, the revenue-officer may determine the extent and manner to and in which the co-sharers and other persons interested therein may make use thereof, and the proportion in which expenditure incurred thereon and profits derived therefrom respectively, are to be borne by and divided among those persons or any of them.

Distribution of revenue and rent after partition.

120. (1) The amount of revenue to be paid in respect of each of the holdings into which land has been divided on a partition, and the amount of rent to be paid in respect of each of the portions into which a tenancy has been so divided, shall be determined by the revenue-officer making the partition.

(2) The determination of the revenue-officer as to the revenue to be paid in respect of each holding shall, where the estate in which the holding is situate is subject to a fixed assessment, be deemed to be an order under section 56, sub-section (1)

(3) Where new estates have been created at a partition and the land-revenue has been fraudulently or erro-

among the several estates on an estimate of the assets of each estate at the time of the partition, to be made conformably to the best evidence and information procurable respecting the same.

Instrument of partition.

121. When a partition is completed, the revenue-officer shall cause an instrument of partition to be prepared, and the date on which the partition is to take effect to be recorded therein.

Delivery of possession of property allotted on partition.

122. An owner or tenant to whom any land or por- ... in proceed- ... thereof as ... and their ... l, on appli- ... owner or tenant at any time within three years from the date recorded in the instrument of partition under the last foregoing section, give effect to that instrument so far as it concerns the applicant as if it were a decree for immoveable property.

Affirmation of partitions privately effected.

123. (1) In any case in which a partition has been made without the intervention of a revenue-officer, any party thereto may apply to a revenue-officer for an order affirming the partition.

(2) On receiving the application, the revenue-officer shall inquire into the case, and, if he finds that the partition has in fact been made, he may make an order affirming it and proceed under sections 119, 120, 121, and 122, or any of those sections, as circumstances may require, in the same manner as if the partition had been made on an application to himself under this chapter.

Power to make rules as to costs of partitions.

124. The Financial Commissioner may make rules for determining the costs of partitions under this chapter and the mode in which such costs are to be apportioned.

Re-distribution of land according to custom.

125 When by established custom any land in an estate is subject to periodical re-distribution, a revenue-[illegible] the landowners, [illegible] custom, and [illegible] the powers of a revenue-officer in proceedings for partition.

Officers who may be empowered to act under this chapter.

126. The revenue-officer by whom proceedings may be taken under this chapter shall be a revenue-officer of a class not below that of Assistant Collector of the first grade.

CHAPTER X.

Arbitration.

Power to refer to arbitration.

127. (1) Any revenue-officer may, with the consent of the parties, refer to arbitration any dispute arising before him in any matter under this Act.

(2). A Collector or an Assistant Collector of the first grade may, without the consent of the parties, refer to arbitration any dispute before him with respect to—

(a) any matter of which an entry is to be made in any record or register under chapter IV ;

(b) any matter relating to the distribution of an assessment under section 56 ;

(c) the limits of any estate or of any holding, field, or other portion of an estate ; or

(d) the property to be divided at a partition or the mode of making a partition.

128. (1) In referring a dispute to arbitration a revenue-officer shall make an order of reference, and specify therein the precise matter submitted to arbitration, the number of arbitrators which each party to the dispute is to nominate, the period within which arbitrators are to be nominated, and the period within which the award is to be delivered. Order of reference and contents thereof.

(2) The number of arbitrators which each party may nominate must be the same and must not exceed two.

(3) If from any cause arbitrators are not nominated, or an award is not delivered, within the period fixed therefor in the order of reference, the revenue-officer may from time to time enlarge that period, or may cancel the order of reference

129. (1) When an order of reference has been made, the parties may each nominate the number of arbitrators specified in the order, and the revenue-officer shall nominate one other arbitrator. Nomination of arbitrators.

(2) The revenue-officer may, for reasons to be recorded by him, make an order disallowing any nomination made by either party and requiring the party to make another nomination within a time to be specified in the order.

(3) An order under the last foregoing sub-section shall be final.

130. If an arbitrator nominated by a party dies, desires to be discharged, or refuses or becomes incapable to act, the party may nominate another person in his stead. Substitution of arbitrators by parties.

131. In any of the following cases, namely :— Nomination and substitution of arbitrators by revenue-officers.

(a) if either of the parties fails to nominate an arbitrator under sub-section (1) of *section 129* within the period fixed in the order of reference, or

(b) if the nomination of an arbitrator has been disallowed under sub-section (2) of *section 129*, and another arbitrator is not nominated within the time specified in the order under that sub-section, or, having been so nominated, his nomination is also disallowed, or

(c) if a party entitled to nominate an arbitrator in the place of another arbitrator under section 130 fails to nominate him within one week from the date of the communication to him of a notice requiring him to make the nomination, or

(*d*) if an arbitrator nominated by the revenue-officer dies, desires to be discharged, or refuses or becomes incapable to act,

the revenue-officer may nominate a person as arbitrator.

Process for appearance before arbitrators.

132 (1) The revenue-officer shall, on the application of the arbitrators, issue the same processes to the parties and witnesses whom the arbitrators desire to examine as he may issue in any proceeding under this Act before himself.

(2) Any such party or witness shall be bound to appear before the arbitrators in obedience to a process issued under sub-section (1), either in person or by agent, as the arbitrators may require.

(3) The person attending in obedience to the process shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as may be specified in the process.

Award of arbitrators and presentation thereof.

133. (1) The arbitrators shall make an award in writing under their hands concerning the matters referred to them for arbitration, and state therein their reasons therefor, and any arbitrator dissenting from the award made by a majority of the arbitrators shall state the grounds of his dissent.

(2) The arbitrators shall present the award to the revenue-officer in person, unless that officer permits them to present it by agent.

Procedure on presentation of award.

134. (1) When the award has been received, the revenue-officer shall, if the parties are present, consider forthwith any objections which they may have to make thereto, and, if they are not present, fix a date for the consideration thereof.

(2) [illegible]
of a [illegible]
any [illegible]
hear [illegible]
the award.

(3) The revenue-officer may also, if he thinks fit, question the arbitrators as to the grounds of their award.

Effect of award.

135. (1) The revenue-officer may accept, modify, or reject the award, recording his reasons for doing so in his decision respecting the dispute which was referred to arbitration.

(2) An appeal shall lie from the decision as if arbitrators had not been appointed.

CHAPTER XI.

SPECIAL JURISDICTION WITH RESPECT TO LAND.

Power to invest officers

136. (1) The Local Government may, by order published in the official gazette, invest making or specially revising records-of area in pursuance of a notification making a general re-assessment of local area in pursuance of a notification under section 49, or any revenue-officer to whose control that officer is subject, with all or any of the powers of any Court constituted under the Punjab Courts Act, 1884, for the purpose of trying all or any specified classes of suits or appeals relating to land arising in the local area

(2) The Local Government may cancel an order under sub-section (1) wholly or in part.

(3) While an order or any part of an order under that sub-section continues in force, the powers conferred thereby shall be exercised by the officer invested therewith and not otherwise.

(4) Any cases pending before that officer under the order or a subsisting part of the order at the time of the cancellation thereof may be disposed of by him as if the order or that part of it continued in force, unless the Local Government directs, as it is hereby empowered to do, that those cases shall be transferred for disposal to the Courts by which they would have been disposed of if the order had not been published

Control over such officers and appeals from and revision of their decrees and orders.

137. (1) The Local Government may by notification direct that the provisions of this Act with respect to the superintendence and control over revenue-officers shall, subject to any modification of those provisions which the Local Government thinks fit, apply to any revenue-officer, except the Financial Commissioner, who has been invested with the powers of a Civil Court of any of the classes specified in clauses (a), (b), (c) and (d) of section 17 of the

would be competent under the Punjab Courts Act, 1884, to hear appeals from, or revise, such decrees and orders if they had been made by a Court with the powers of which the revenue-officer who made them has been invested.

(2)

officer in

powers

respect to the exercise of those powers, be deemed to be such a Civil Court for the purposes of the Punjab Courts Act, 1884.

CHAPTER XII.

Supplemental Provisions.

Revenue Deposits.

Power to deposit certain sums other than rent.

138. (1) In either of the following cases, namely :—

(a) when a headman or other landowner, or an assignee of land-revenue, to whom any sum other than rent is payable on account of a liability under this Act refuses to receive the sum from, or to grant a receipt therefor to, the person by whom it is payable,

(b) when the person by whom any such sum is payable is in doubt as to the headman or other landowner, or the assignee of land-revenue, entitled to receive it,

that person may apply to a revenue-officer for leave to deposit the sum in his office, and the revenue-officer shall receive the deposit if, after examining the applicant, he is satisfied [illegible] the application and if [illegible] any, which may be charg[illegible] of the receipt thereof.

(2) When a deposit has been so received, the liability of the depositor to the headman or other landowner, or the assignee of land revenue, for the amount thereof shall be discharged.

Procedure in case of deposit on account of a payment due to Government.

139. If the deposit purports to be made on account of any payment due to the Government, it may be credited accordingly.

Procedure in case of other deposits.

140. (1) A revenue-officer receiving a deposit purporting to be made on any other account shall give notice of the receipt thereof to every person who he has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled to the same, or may, if he thinks fit, retain the deposit, pending the decision of a Civil Court as to the person so entitled.

(2) No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a revenue-officer under this section; but nothing

in this sub-section shall prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it has been paid by a revenue-officer.

Execution of orders of Civil and Criminal Courts by Revenue-officers.

Orders of Civil and Criminal Courts for execution of processes agains...

141. Orders issued by any Civil or Criminal Court for the attachment, sale, or delivery of any land or interest in land, or for the attachment or sale of the produce of any land, shall be addressed to the Collector officer as the Collector may appoint in t executed by the Collector or that officer the provisions of the law applicable to the Court issuing the orders and with any rules consistent therewith made by the Financial Commissioner with the concurrence of the Chief Court and the previous sanction of the Local Government.*

Attachment of assigned land-revenue.

142. (1) any other enactment for issued by any Court for t ıd-revenue shall require the person by whom the revenue is payable to pay it to the Collector, and the Collector to hold it, subject to the further orders of the Court.†

(2) A payment to the Collector under sub-section (1) shall be an effectual discharge to the person making it.

Preservation of attached produce.

Preservation of attached produce.

143 (1) The attachment of the produce of any land in pursuance of an order of any Court or other authority shall not prevent the person to whom the produce belongs from reaping, gathering, or storing it, or doing any other act necessary for its preservation.

(2) The attaching officer shall do, or cause to be done, all acts necessary for the preservation of the produce, if the person to whom it belongs fails to do so.

(3) When sale of produce follows on its attachment, the purchaser shall be entitled, by himself or by any ı the for

Division of produce.

Division of produce.

144. In either of the following cases, namely :—

(a) where land-revenue is paid by division or appraisement of the produce,

*Rules 331—333

† See Circular 17, para 18.

(b) where a superior and an inferior landowner, or two or more shareholders in a holding or tenancy, are jointly interested in any produce, and either or any of the landowners or tenants, as the case may be, desires the assistance of a revenue-officer for the purpose of dividing or appraising the produce,

the provisions of the Punjab Tenancy Act, 1887, with respect to the division or appraisement of produce shall apply so far as they can be made applicable.

Miscellaneous.

Village-cesses. 145. (1) At any of the following times, namely :—

(a) when a record-of-rights is being made or specially revised for an estate,

(b) when the local area in which an estate is situate is being generally re-assessed and before the assessment has been confirmed,

(c) at any other time on an order made with respect to any estate by the Local Government with the previous sanction of the Governor-General in Council,

a revenue-officer shall prepare a list of village-cesses, if any, levied in the estate which have been generally or specially approved by the Local Government, or the title to which has before the passing of this Act been judicially established.

(2) When a list has been prepared for an estate under sub-section (1), a village-cess not comprised therein shall not be recoverable by suit in any Court.*

(3) The Local Government may impose on the collection of any village-cess comprised in the list such conditions as to police or other establishments connected with the village market or fair in or on account of which the cess is levied, as it thinks fit.

(4) The Governor-General in Council may, on a reference from the Local Government, declare whether any cess, contribution, or due levied in an estate is or is not a village-cess.

(5) A declaration of the Governor-General in Council under the last foregoing sub-section shall be conclusive and shall not be liable to be questioned in any Court.

Superior landowner's dues. 146. Where a superior landowner is entitled to receive in respect of any land from an inferior landowner dues in

* Rules 206—207.

kind on in cash of fluctuating quantity or amount, the Collector may—

(a) on the application of both landowners, or,

(b) with the previous sanction of the Local Government on the application of either of them,

commute those dues into a fixed percentage of the land-revenue payable by the inferior landowner in respect of the land.

Substitution of service for payment of land-revenue.

147. (1) The Local Government may, with the previous sanction of the Governor-General in Council, authorise the remission of land-revenue in whole or in part in consideration of the person liable therefor undertaking to render in lieu thereof such public service as may be specified in an agreement to be approved by the Local Government and executed by that person.

(2) The Local Government may, with the like sanction, cancel any remission authorized and agreement made under sub-section (1).

(3) [illegible] that [illegible] land- [illegible] on of the Collector, the Collector may determine the portion of the land-revenue remitted which is represented by the service in respect of which the landowner is in default, and, with the previous sanction of the Financial Commissioner, recover that portion as if it were an arrear of land-revenue due in respect of the land for the land-revenue whereof the service was substituted.

Recovery of cost of assessing assigned land-revenue.

148. (1) When land of which the land-revenue has been assigned in whole or in part is re-assessed, the assignee shall be liable to pay such a share of the cost of making the re-assessment as the Financial Commissioner may determine to be just.

(2) That share may be recovered by the Collector by deduction of the amount thereof from the land-revenue due to the assignee.

[illegible]

149. If a person required by [illegible] or proclamation proceeding fr[illegible] attend at a certain time and place [illegible] estate in which he ordinarily resi[illegible] or cultivates land, fails to comply with the requisition, he shall be liable, at the discretion of the revenue-officer to fine which may extend to fifty rupees.

Prevention of encroachment on common lands.

150. (1) Where land which has been reserved for the common purposes of the co-sharers therein has been encroached on by any co-sharer, a revenue-officer may,

on the application of any other co-sharer, eject the encroaching co-sharer from the land and, by order proclaimed in manner mentioned in section 22, forbid repetition of the encroachment.

(2) The proceedings of the revenue-officer under sub-section (1) shall be subject to any decree or order which may be subsequently passed by any Court of competent jurisdiction.

Papers kept by village officers to be deemed public documents.

151. (1) Any record or paper which a village-officer is required by law or by any rule under this Act to prepare or keep shall be deemed to be the property of the Government.

(2) A village-officer shall, with respect to any such record or paper in his custody, be deemed for the purposes of the Indian Evidence Act, 1872, to be a public officer having the custody of a public document which any person has a right to inspect.

Costs

152 (1) A revenue-officer may give and apportion the costs of any proceeding under this Act in any manner he thinks fit *

(2) But if he orders that the costs of any such proceeding shall not follow the event, he shall record his reasons for the order.

Computation of periods limited for appeals and applications for review.

153. In the computation of the period for an appeal from, or an application for the review of, an order under this Act the limitation therefor shall be governed by the Indian Limitation Act, 1877.

Restriction on revenue-officers bidding at auctions or trading.

154. (1) A revenue-officer, or a person employed in a revenue-office, shall not—

(a) purchase or bid for, either in person or by agent, in his own name or in that of another, or jointly or in shares with others, any property which any revenue-officer or revenue-court in the district in which he is employed has ordered to be sold; or,

(b) in contravention of any rules made by the Local Government in this behalf, engage in trade in that district.

(2) Nothing in sub-section (1) shall be deemed to preclude any person from becoming a member of a company incorporated under the Indian Companies Act, 1882, or other law.

Power to [illegible]

155 (1) The Financial Commissioner may, in addition to the other rules which may be made by him under this

* Cp. rule 285.

Act, make rules consistent with this Act and any other enactment for the time being in force—

(a) fixing the number and amount of the instalments, and the times and places, and the manner, by, at, and in which any sum other than rent or land-revenue which is payable under this Act or of which a record has been made thereunder is to be paid;*

(b) fixing the dates on which profits are to be divisible by headmen or other persons by whom they are realized on behalf of co-sharers;

(c) prescribing the fees to be charged for the service and execution of processes issued by revenue-officers and Revenue Courts, the mode in which those fees are to be collected, the number of persons to be employed in the service and execution of those processes, and the remuneration and duties of those persons;†

(d) regulating the procedure in cases where persons are entitled to inspect records of revenue-offices, or records or papers in the custody of village-officers, or to obtain copies of the same, and prescribing the fees payable for searches and copies;‡

(e) prescribing forms for such books, entries, statistics, and accounts as the Financial Commissioner thinks necessary to be kept, made, or compiled in revenue-offices or submitted to any authority;

(f) declaring what shall be the language of any of those offices, and determining in what cases persons practising in those offices shall be permitted to address the presiding officers thereof in English;§ and

(g) generally for carrying out the purposes of this Act.||

(2) Until rules are made under clauses (a) and (b) of sub-section (1) the sums therein referred to shall be payable by the instalments, at the times and places, and in the manner by, at, and in which they are now payable.

(3) Rules made by the Financial Commissioner under this or any other section of this Act shall not take effect until they have been sanctioned by the Local Government, and rules under clause (c) of sub-section (1) shall not take effect until they have also been confirmed by the Governor-General in Council.

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* Rules 260—264

† Rules 240—241.

‡ Rules 23 and 295—330.

§ Rules 277—278

|| Rules 256—259 and 206—207.

Rules to be made after previous publication.

156. The power to make any rules under this Act is subject to the control of the Governor-General in Council, and to the condition of the rules being made after previous publication

Powers exerciseable by the Financial Commissioner from time to time

157. All powers conferred by this Act on the Financial Commissioner may be exercised from time to time as occasion requires.

Exclusion of jurisdiction of Civil Courts.

Exclusion of jurisdiction of Civil Courts in matters within the jurisdiction of revenue-officers.

158 Except as otherwise provided by this Act—

(1) a Civil Court shall not have jurisdiction in any matter which the Local Government or a revenue-officer is empowered by this Act to dispose of, or take cognizance of the manner in which the Local Government or any revenue-officer exercises any powers vested in it or him by or under this Act ; and in particular—

(2) a Civil Court shall not exercise jurisdiction over any of the following matters, namely :—

(i) any question as to the limits of any land which has been defined by a revenue-officer as land to which this Act does or does not apply ;

(ii) any claim to compel the performance of any duties imposed by this Act or any other enactment for the time being in force on any revenue officer, as such ;

(iii) any claim to the office of kánúngo, zaildár, inámdár, or village-officer, or in respect of any injury caused by exclusion from such office, or to compel the performance of the duties or a division of the emoluments thereof ,

(iv) any notification directing the making or revision of a record-of rights ;

(v) the framing of a record-of-rights or annual record, or the preparation, signing, or attestation of any of the documents included in such a record;

(vi) the correction of any entry in a record-of-rights, annual record, or register of mutations ;

(vii) any notification of the undertaking of the general re-assessment of a district or tahsil having been sanctioned by the Governor-General in Council ;

(viii) the claim of any person to be liable for an assessment of land-revenue or of any other revenue assessed under this Act ;

(ix) the amount of land-revenue to be assessed on any estate or to be paid in respect of any holding under this Act ;

(x) the amount of, or the liability of any person to pay, any other revenue to be assessed under this Act, or any cess, charge, or rate to be assessed on an estate or holding under this Act or any other enactment for the time being in force;

(xi) . . . .

claim connected with, or arising out of, any proceedings taken in consequence of the refusal of any person to be liable for an assessment under this Act;

(xii) the formation of an estate out of waste land;

(xiii) any claim to hold free of revenue any land, mills, fisheries, or natural products of land or water;

(xiv) any claim connected with, or arising out of, the collection by the Government, or the enforcement by the Government, of any process for the recovery of land-revenue or any sum recoverable as an arrear of land-revenue;

(xv) any claim to set aside, on any ground other than fraud, a sale for the recovery of an arrear of land-revenue or any sum recoverable as an arrear of land-revenue;

(xvi) the amount of, or the liability of any person to pay, any fees, fines, costs, or other charges imposed under this Act,

(xvii) any claim for partition of an estate, holding, or tenancy, or any question connected with, or arising out of, proceedings for partition not being a question as to title in any of the property of which partition is sought;

(xviii) any question as to the allotment of land on the partition of an estate, holding, or tenancy, or as to the distribution of land subject by established custom to periodical redistribution, or as to the distribution of land-revenue on the partition of an estate or holding or on a periodical redistribution of land, or as to the distribution of rent on the partition of a tenancy;

(xix) any claim to set aside or disturb a division or appraisement of produce confirmed or varied by a revenue-officer under this Act;

(xx) . . . . ation of a li[illegible] by the Local collection of

such cesses;

(xxi) any proceeding under this Act for the commutation of the dues of a superior landowner;

(xxii) any claim arising out of the enforcement of an agreement to render public service in lieu of paying land-revenue; or

(xxiii) any claim arising out of the liability of an assignee of land-revenue to pay a share of the cost of collecting or reassessing such revenue, or arising out of the liability of an assignee to pay out of assigned land-revenue, or of a person who would be liable for land-revenue if it had not been released, compounded for, or redeemed, to pay on the land-revenue for which he would but for such release, composition, or redemption be liable, such a percentage for the remuneration of a zaildár, inámdár, or village officer as may be prescribed by rules for the time being in force under this Act.

THE SCHEDULE.

(See Section 2.)

ENACTMENTS REPEALED.

Number and year.	Title or subject of enactment	Extent of repeal
1	2	3
Act XXI of 1836...	Creation of new Zilás ..	So much as has not been repealed.
Act VI of 1867 ...	To enable the Lieutenant Governor of the Punjab to alter the limits of existing districts in any part of the territories under his Government	The whole
Act VII of 1870 ...	The Court fees Act, 1870 ...	In section 20, clause (i), the words "and revenue," and the whole of section 23
Act XXXIII of 1871.	The Punjab Land Revenue Act, 1871	The whole
Act IV of 1872 ...	The Punjab Laws Act, 1872 .	Section 21.
Act XVIII of 1884	The Punjab Courts Act, 1884 .	Chapter VI
Regulation I of 1872	The Punjab Frontier Regulation, 1872.	Rules 26 to 46 (both inclusive) comprising sections G, H, I and K of the Hazára Settlement Rules

THE PUNJAB TENANCY ACT.

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AN ACT

TO

Amend the Law relating to the Tenancy of land in the Punjab.

WHEREAS it is expedient to amend the law relating to the tenancy of land in the Punjab ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title, extent, and commencement. 1. (1) This Act may be called the Punjab Tenancy Act, 1887.

(2) It extends to the whole of the territories (including the pargana of Spiti) for the time being administered by the Lieutenant-Governor of the Punjab, except the Hazára district ; and

(3) It shall come into force on such day as the Local Government, with the previous sanction of the Governor-General in Council, may by notification appoint in this behalf. *

2. † * * * * *

3. † * * * * *

Definitions. 4. In this Act, unless there is something repugnant in the subject or context,—

(1) " land " means land which is not occupied as the site of any building in a town or village and is occupied or [illegible] irposes sub- [illegible] les the sites

(2) " pay, " with its grammatical variations and cognate expressions, includes, when used with reference to rent, " deliver " and " render, " with their grammatical variations and cognate expressions :

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* The Act came into force on 1st November 1887 (Notification No 726, dated 1st November 1887).

epealed by Act XII of 1891.

(3) "rent" means whatever is payable to a landlord in money, kind, or service by a tenant on account of the use or occupation of land held by him :

(4) "arrear of rent" means rent which remains unpaid after the date on which it becomes payable :

(5) "tenant" means a person who holds land under another person, and is, or but for a special contract would be, liable to pay rent for that land to that other person ; but it does not include—

(a) an inferior landowner, or

(b) a mortgagee of the rights of a landowner, or

(c) a person to whom a holding has been transferred, or an estate or holding has been let in farm, under the Punjab Land Revenue Act, 1887, for the recovery of an arrear of land-revenue or of a sum recoverable as such an arrear, or

(d) a person who takes from the Government a lease of unoccupied land for the purpose of subletting it :

(6) "landlord" means a person under whom a tenant holds land, and to whom the tenant is, or but for a special contract would be, liable to pay rent for that land :

(7) "tenant" and "landlord" include the predecessors and successors in interest of a tenant and landlord respectively :

(8) "tenancy" means a parcel of land held by a tenant of a landlord under one lease or one set of conditions :

(9) "estate," "landowner" and "holding" have the meanings respectively assigned to those words in the Punjab Land Revenue Act, 1887 :

(10) "land-revenue" means land-revenue assessed under any law for the time being in force or assessable under the Punjab Land Revenue Act, 1887, and includes—

(a) any rate imposed in respect of the increased value of land due to irrigation, and

(b) any sum payable in respect of land, by way of quit-rent or of commutation for service, to the Government or to a person to whom the Government has assigned the right to receive the payment :

(11) "rates and cesses" means rates and cesses which are primarily payable by landowners, and includes—

(a*) * * * * *

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* Section 4 (11 a) repealed, by Act XII of 1891.

(*b*) the local rate, if any, payable under the Punjab District Boards Act, 1883, and any fee leviable under section 33 of that Act from landowners for the use of or benefits derived from such works as are referred to in section 20, clauses (*i*) and (*j*), of that Act ;

(*c*) any annual rate chargeable on owners of lands under section 59 of the Northern India Canal and Drainage Act, 1873 ;

(*d*) the zaildári and village-officers' cesses ; and

(*e*) sums payable on account of village expenses :

(12) "village-cess" includes any cess, contribution, or due which is customarily leviable within an estate and is neither a payment for the use of private property or for personal service nor imposed by or under any enactment for the time being in force :

(13) "village-officer" means a chief headman, headman, or patwári :

(14) "Revenue-officer" or "revenue-court" in any provision of this Act, means a revenue-officer or revenue-court having authority under this Act to discharge the functions of a revenue-officer or revenue-court, as the case any be, under that provision :

(15) "jágirdár" includes any person, other than a village servant, to whom the land-revenue of any land has been assigned in whole or in part by the Government or by an officer of the Government :

(16) "legal practitioner" means any legal practitioner within the meaning of the Legal Practitioners' Act, 1879, except a mukhtár :

(17) "agricultural year" means the year commencing on the sixteenth day of June, or on such other date as the Local Government may by notification appoint for any local area :

(18) "notification" means a notification published by authority of the Local Government in the official Gazette : and

(19) "improvement" means, with reference to a tenancy, any work which is suitable to the tenancy and consistent with the conditions on which it is held, by which the value of the tenancy [illegible]
and which, if not [illegible]
executed directly fo[illegible]
made directly beneficial to it :

Explanation I.—It includes, among other things,—

(a) the construction of wells and other works for the storage or supply of water for agricultural purposes,

(b) the construction of works for drainage and for protection against floods;

(c) the [illegible]

(d) the erection of buildings required for the more convenient or profitable cultivation of a tenancy; and

(e) the renewal or reconstruction of any of the foregoing works, or such alterations therein, or additions thereto, as are not of the nature of mere repairs and as durably increase their value;

But it does not include such clearances, embankments, levellings, enclosures, temporary wells, and water-channels as are made by tenants in the ordinary course of cultivation and without any special expenditure, or any other benefit accruing to land from the ordinary operations of husbandry;

Explanation II.—A work which benefits several tenancies may be deemed to be, with respect to each of them, an improvement,

Explanation III.—A work executed by a tenant is not an improvement if it substantially diminishes the value of any other part of his landlord's property.

CHAPTER II.

Right of Occupancy

5. (1) A tenant— Tenants having right of occupancy.

(a) who at the commencement of this Act has for more than two generations in the male line of descent through a grandfather or grand-uncle and for a period of not less than twenty years been occupying land paying no rent therefor beyond the amount of the land-revenue * thereof and the rates and cesses for the time being chargeable thereon, or

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* See Circular 17, paras. 2 and 13

(*b*) who having owned land, and having ceased to be landowner thereof otherwise than by forfeiture to the Government or than by any voluntary act, has, since he ceased to be landowner, continuously occupied the land, or

(*c*) [illegible]

twenty-first day of October, 1868, and has continuously occupied the land since that date, or

(*d*) who, being jágírdár of the estate or any part of the estate in which the land occupied by him is situate, has continuously occupied the land for not less than twenty years, or, having been such jágírdár, occupied the land while he was jágírdár and has continuously occupied it for not less than twenty years,

has a right of occupancy in the land so occupied, unless, in the case of a tenant belonging to the class specified in clause (*c*), the landlord proves that the tenant was settled on land previously cleared and brought under cultivation by, or at the expense of, the founder.

(2) If a tenant proves that he has continuously occupied land for thirty years and paid no rent therefor beyond the amount of the land-revenue thereof and the rates and cesses for the time being chargeable thereon, it may be presumed that he has fulfilled the conditions of clause (*a*) of sub-section (1).

(3) The words in that clause denoting natural relationship denote also relationship by adoption, including therein the customary appointment of an heir, and relationship by the usage of a religious community.

Right of occupancy of other tenants recorded as having the right before passing of Punjab tenancy Act, 1868.

6. A tenant recorded in a record-of-rights sanctioned by the Local Government before the twenty-first day of October, 1868, as a tenant having a right of occupancy in land which he has continuously occupied from the time of the preparation of that record, shall be deemed to have a right of occupancy in that land unless the contrary has been established by a decree of a competent Court in a suit instituted before the passing of this Act.

Right of occupancy in land taken in exchange.

7. If the tenan[illegible] land, or any portion of the [illegible] or other land belonging to t[illegible] aken in exchange shall be held to be subject to the same right of occupancy as that to which the land given in exchange would have been subject, if the exchange had not taken place.

8. Nothing in the foregoing sections of this chapter shall preclude any person from establishing a right of occupancy on any ground other than the grounds specified in those sections.

Establishment of right of occupancy on grounds other than those expressly stated in Act

9. No tenant shall acquire a right of occupancy by mere lapse of time.

Right of occupancy not to be acquired by mere lapse of time

10. In the absence of a custom to the contrary no one of several joint owners of land shall acquire a right of occupancy under this chapter in land jointly owned by them

Right of occupancy not to be acquired by joint owner in land held in joint ownership

11. Notwithstanding anything in the foregoing section of this chapter, a tenant who immediately before the commencement of this Act has a right of occupancy in any land under an enactment specified in any line of the first column of the following table shall, when this Act comes into force, be held to have, for all the purposes of this Act, a right of occupancy in that land under the enactment specified in the same line of the second column of the table —

Continuance of existing occupancy rights.

Punjab Tenancy Act, 1868		This Act		
First Column		Second Column		
Section	Clause	Section	Sub section	Clause
5	(1)	5	(1)	(a)
5	(2)	5	(1)	(b)
5	(3)	5	(1)	(c)
5	(4)	5	(1)	(d)
6		6		
8		8		

CHAPTER III.

Rent.

Rents generally.

12. (1) The rent for the time being payable in respect of a tenancy shall be the first charge on the produce thereof.

Respective rights of landlord and tenant to produce.

(2) A tenant shall be entitled to tend, cut, and harvest the produce of his tenancy in due course of husbandry without any interference on the part of his landlord.

(3) Except where rent is taken by division of the produce, the tenant shall be entitled to the exclusive possession of the produce.

(4) Where rent is taken by division of the produce—

(a) the tenant shall be entitled to the exclusive possession of the whole produce until it is divided;

(b) the landlord shall be entitled to be present at, and take part in, the division of the produce; and

(c) when the produce has been divided, the landlord shall be entitled to the possession of his share thereof

Commutation and alteration of rent.

13. (1) Where rent is taken by any of the following methods, namely:—

(a) by division or appraisement of the produce,

(b) by rates fixed with reference to the nature of the crops grown,

(c) by a rate on a recognised measure of area,

(d) by a rent in gross on the tenancy, or

(e) partly by one of the methods specified in clauses (a), (b) and (c) of this sub-section and partly by another or others of them, one of those methods shall not be commuted in whole or in part into another without the consent of both landlord and tenant.

(2) In the absence of a contract or a decree or order of competent authority to the contrary, a tenant whose rent is taken by any of the methods specified in clauses (a), (b) and (c) of sub-section (1), or by the method specified in clause (d) of that sub-section, shall not be liable to pay for a tenancy rent at any higher rate, or of a higher amount, as the case may be, than the rate or amount payable in respect of the tenancy for the preceding agricultural year.

Payments for land occupied without consent of landlord.

14. Any person in possession of land occupied without the consent of the landlord shall be liable to pay for the use or occupation of that land at the rate of rent payable in the preceding agricultural year, or, if rent was not payable in that year, at such rate as the Court may determine to be fair and equitable.

Collection for rents of undivided property.

15. When two or more persons are landlords of a tenant in respect of the same tenancy, the tenant shall not be bound to pay part of the rent of his tenancy to one of those persons and part to another.

Produce Rents.

16. Where rent is taken by division or appraisement of the produce, if the tenant removes any portion of the produce at such a time or in such a manner as to prevent the due division or appraisement thereof, or deals therewith in a manner contrary to established usage, the produce may be deemed to have been as full as the fullest crop of the same description on similar land in the neighbourhood for that harvest. Presumption with respect to produce removed before division or appraisement.

17. If either the landlord or the tenant neglects to attend, either personally or by agent, at the proper time for making the division or appraisement of the produce, or if there is a dispute about the division or appraisement, a revenue-officer may, on the application of either party, appoint such person as he thinks fit to be a referee to divide or appraise the produce Appointment of referee for division or appraisement.

18. (1) When a revenue-officer appoints a referee under the last foregoing section, he may, in his discretion, give him instructions with respect to the association with himself of any other persons as assessors, the number, qualifications, and selection of those assessors, and the procedure to be followed in making the division or appraisement Appointment of assessors and procedure of referee

(2) The referee so appointed shall make the division or appraisement in accordance with any instructions which he may have received from the revenue-officer under the last foregoing sub-section.

(3) Before making the division or appraisement the referee shall give notice to the landlord and the tenant of the time and place at which the division or appraisement will be made, but, if either the landlord or the tenant fails to attend either personally or by agent, the referee may proceed *ex parte*.

(4) For the purpose of making the division or appraisement, the referee, with his assessors, if any, may enter upon any land on which or into any building in which the produce is.

19. (1) The result of the division or appraisement shall be recorded and signed by the referee, and the record shall be submitted to the revenue-officer. Procedure after division or appraisement.

(2) The revenue-officer shall consider the record, and, after such further inquiry, if any, as he may deem necessary, shall make an order either confirming or varying the division or appraisement.

(3) The revenue-officer shall also make such order as to the costs of the reference as he thinks fit.

(4). The costs may include the remuneration of the referee and of the assessors, if any, and may be levied from the applicant before the appointment of the referee subject to adjustment at the close of the proceedings.

Enhancement of produce rents of occupancy-tenants.

20. Where the rent of a tenant having a right of occupancy in any land is a share of the produce, or of the appraised value thereof, with or without an addition in money, or is paid according to rates fixed with reference to the nature of the crops grown, or is a rent in gross payable in kind, the tenant shall be entitled to occupy the land at that rent.

Provided that, when the land or any part thereof previously not irrigated or flooded becomes irrigated or flooded, the rent payable in respect of the land or part may, subject to the provisions of this Act, be enhanced to the share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having a similar right of occupancy, for irrigated or flooded land of a similar description and with similar advantages.

Reduction of rents referred to in the last foregoing [illegible]tion.

21. When the land, or any part of the land, held by a [illegible] the last fore- [illegible] flooded, the [illegible] be reduced to the share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having similar right of occupancy, for unirrigated or unflooded land of a similar description and with similar advantages.

Cash-rents paid by Tenants having Right of Occupancy.

Enhancement of cash rents of occupancy tenants.

22. (1) Where a tenant having a right of occupancy pays his rent entirely by a cash-rate on a recognised measure of area or by a cash-rent in gross on his tenancy, the rent may be enhanced on the ground that, after deduction therefrom of the land-revenue of, and the rates and cesses chargeable on, the tenancy, it is—

(a) if the tenant belongs to the class specified in clause (a) of sub-section (1) of section 5, less than two annas per rupee of the amount of the land-revenue;

(b) if he belongs to any of the classes specified in clauses (b), (c), and (d) of that sub-section, less than six annas per rupee of the amount of the land-revenue;

(c) if he belongs to the class specified in section 6, or if his right of occupancy is established under section 8 and his rent is not regulated by contract less than twelve annas per rupee of the amount of the land-revenue.

(2) In a case to which sub-section (1) applies, the rent may be enhanced to an amount not exceeding two, six, or twelve annas per rupee of the amount of the land-revenue, as the case may be, in addition to the amount of the land-revenue of the tenancy and the rates and cesses chargeable thereon.

23. The rent payable by a tenant to whom the last foregoing section applies may be reduced, on the ground that the productive powers of his tenancy have been decreased by a cause beyond his control — Reduction of rents referred to in the last foregoing section

General Provisions relating to Suits for Enhancement or Reduction of Rent.

24 (1) A Revenue Court, on the suit of either landlord or tenant, may, subject to the provisions of this and other sections of this Act, enhance or reduce the rent of any tenant having a right of occupancy. — Enhancement and reduction of rent by suit

(2) Where a decree for the enhancement of the rent of such a tenant has been passed under the Punjab Tenancy Act, 1868, a suit for a further enhancement of his rent shall not lie till the expiration of five years from the date of the decree, unless in the meantime the local area in which the land comprised in the decree is situate has been generally reassessed and the revenue payable in respect of that land has been increased

(3) Subject to the provisions of sub-section (2), a suit instituted for the enhancement of the rent of a tenant having a right of occupancy shall not be entertained in either of the following cases, namely —

(a) if within the ten years next preceding its institution his rent has been commuted under section 13 or enhanced under this section;

(b) if within that period a decree has been passed under this Act dismissing on the merits a suit for the enhancement of his rent,

unless the land or some part of the land comprised in his tenancy, not having been irrigated or flooded at the time of such commutation, enhancement, or decree, has become irrigated or flooded

25. In enhancing or reducing the rent of any land under the foregoing provisions of this chapter, the Court shall, within the limits prescribed by those provisions, enhance or reduce the rent to such an amount as it considers fair and equitable, but shall not in any case fix the rent at a sum less than the amount of the land-revenue of the land and the rates and cesses chargeable thereon * — Discretion as to extent of enhancement or reduction.

* See Circular 17, para. 3.

Time for enhancement or reduction to take effect.

26. (1) Unless the Court decreeing an enhancement off rent otherwise directs, the enhancement shall take effect from the commencement of the agricultural year next following the date of the decree.

(2) A Court decreeing a reduction of rent shall specify in the decree the date on and from which the reduction is to take effect.

Adjustment of Rents expressed in terms of the Land-revenue.

Adjustment of rents expressed in terms of the land-revenue.

27. (1) Where the rent of a tenancy is the whole or a share of the land-revenue thereof, with or without an addition in money, kind, or service, and the land-revenue of the holding in which the tenancy is situate is altered, a revenue-officer having authority under section 56 of the Punjab Land-revenue Act, 1887, to determine the land-revenue payable in respect of the several holdings comprised in the estate in which the tenancy is situate shall determine also the amount of the land-revenue of the tenancy, or the proportionate share thereof, payable by the tenant as rent *

(2) Where an addition referred to in sub-section (1) is a percentage fixed with reference to the land-revenue of the tenancy, or the whole or a share of the rates and cesses chargeable thereon, or both, the revenue-officer shall in like manner from time to time alter the amount of the addition in proportion to any alteration of such land-revenue or rates and cesses.

(3) The sum or sums determined under the foregoing sub-sections, together with any addition previously payable other [illegible]
be the [illegible]
again [illegible]
rates and cesses chargeable thereon, or until the rent is enhanced by a suit under this Act.

(4) An alteration of rent under this section shall not be deemed an enhancement or reduction of rent within the meaning of this Act.

Alteration of Rent on Alteration of Area.

Alteration of rent on alteration of area.

28. (1) Every tenant shall—

(a) be liable to pay additional rent for all land proved to be in excess of the area for which rent has been previously paid by him, unless it is proved that the excess is due to the addition to his tenancy of land which, having previously belonged to the tenancy, was lost by diluvion or otherwise without any reduction of the rent being made; and

* See Circular 17, para 1

(b) be entitled to an abatement of rent in respect of any deficiency proved to exist in the area of his tenancy, as compared with the area for which rent has been previously paid by him, unless it is proved that the deficiency is due to the loss of land which was added to the area of the tenancy by alluvion or otherwise, and that an addition has not been made to the rent in respect of the addition to the area

(2) In determining the area for which rent has been previously paid, the Court shall have regard to the following, among other matters, namely —

(a) the origin and conditions of the tenant's occupancy, for instance, whether the rent was a rent in gross for the entire tenancy ,

(b) whether the tenant has been allowed to hold additional land in consideration of an addition to his total rent or otherwise with the knowledge and consent of the landlord , and

(c) the length of time during which there has been no dispute as to rent or area

(3) In adding to or abating rent under this section, the Court shall add to or abate the rent to such an amount as it deems to be fair and equitable, and shall specify in its decree the date on and for which the addition or abatement is to take effect.

(4) An addition to or abatement of rent under this section shall not be deemed an enhancement or reduction of rent within the meaning of this Act

Remissions.

Remission of rent by Courts decreeing arrears.

29. Notwithstanding anything in the foregoing sections of this chapter, if it appears to a Court making a decree for an arrear of rent that the area of a tenancy has been so diminished by diluvion or otherwise, or that the produce thereof has been so diminished by drought, hail, deposit of sand, or other like calamity, that the full amount of rent payable by the tenant cannot be equitably decreed, the Court may, with the previous sanction of the Collector, allow such remission from the rent payable by the tenant as may appear to it to be just *

[illegible]

30. (1) Whenever from any cause the payment of the whole or any part of the land-revenue payable in respect of any land is remitted or suspended, a revenue-officer may, by order, remit or suspend, as the case may be, the payment of the rent of that land to an amount which [illegible] bear the same proportion to the whole of the rent [illegible]

* See Circular 17, para. 5.

in respect of the land as the land-revenue of which the payment has been remitted or suspended bears to the whole of the land-revenue payable in respect of the land.

(2) An order passed under sub-section (1) shall not be liable to be contested by suit in any Court.

(3) A suit shall not lie for the recovery of any rent of which the payment has been remitted, or, during the period of suspension, of any rent of which the payment has been suspended.

(4) Where the payment of rent has been suspended, the period during which the suspension has continued shall be excluded in the computation of the period of limitation prescribed for a suit for the recovery of the rent.

(5) If the landlord collects any rent of which the payment has been remitted, or before the expiration of the period of suspension collects any rent of which the payment has been suspended, the whole of the land-revenue remitted or suspended in his favour shall become immediately payable by him.

(6) The provisions of this section relating to the remission and suspension of the payment of rent may be applied, so far as they can be made applicable, to land of which the land-revenue has been released, compounded for, or redeemed, in any case in which, if the land-revenue in respect of the land had not been released, compounded for, or redeemed, the whole or any part of it might, in the opinion of the revenue-officer, be remitted or suspended under the rules for the time being in force for regulating the remission and suspension of land-revenue.

Deposits.

Power to deposit rent in certain cases with revenue-officer.

31. In either of the following cases, namely:—

(a) when a landlord refuses to receive, or grant a receipt for, any rent payable in money when tendered to him by a tenant,

(b) when a tenant is in doubt as to the person entitled to receive rent payable in money,

the tenant may apply to a revenue-officer for leave to deposit the rent in his office, and the revenue-officer shall receive the deposit if, after examining the applicant, he is [illegible] the application [illegible], chargeable for [illegible] ferred to.

Effect of depositing rent.

32. (1) When a deposit has been so received, it shall be deemed to be a payment made by the tenant to his landlord in respect of rent due.

(2) The revenue-officer receiving the deposit shall give notice of the receipt thereof to every person who he has reason to believe claims or is entitled to the deposit, and may pay the amount thereof to any person appearing to him to be entitled thereto, or may, if he thinks fit, retain the deposit pending the decision of a competent Court as to the person so entitled.

(3) No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a revenue-officer under this section, but nothing in this sub-section shall prevent any person entitled to receive the amount of any such deposit from recovering it from a person to whom it has been paid by a revenue-officer.

Recovery of Rent from attached Produce.

33. (1) If an order is made by any Court for the attachment of the produce of a tenancy or of any part of a tenancy, the landlord may apply to the revenue-officer by whom the attachment is to be or has been made to sell the produce and pay to him out of the proceeds of the sale thereof the amount or value of— Recovery of rent from attached produce.

(a) any rent which has fallen due to him in respect of the tenancy within the year immediately preceding the application, and

(b) the rent which will be falling due after the harvesting of the produce and is chargeable against it.

(2) The revenue-officer shall give the person at whose instance the attachment was made an opportunity of showing cause why the application of the landlord should not be granted, and, if he finds the landlord's claim to the whole or any part of the rent to be proved, he shall cause the produce or such portion thereof as he may deem necessary to be sold, and shall apply the proceeds of the sale in the first instance to satisfy the claim.

(3) The finding of the revenue-officer under sub-section (2) shall have the force of a decree in a suit between the landlord and the tenant.

Leases for Period exceeding Term of Assessment of Land-revenue.

34. (1) Where a lease has been granted, or an agreement has been entered into, by a landowner in respect of any land assessed to land-r[illegible]ue, fixing [illegible] a period exceeding the term for w[illegible] has been Treatment of leases for period exceeding or equal to term

assessed the rent or other sum payable in respect of the land under the lease or agreement, and that term has expired, the lease or agreement shall be voidable—

(a) at the option of the landowner if the land-revenue of the land has been enhanced and the person to whom the lease has been granted or with whom the agreement has been entered into refuses to pay such rent or other sum as a Revenue Court, on the suit of the landowner, determines to be fair and equitable ; and

where the relation of landlord and tenant exists between the grantor and grantee of the lease, or between the persons who entered into the agreement—

(b) at the option of the tenant if the land-revenue of the land has been reduced and the landlord refuses to accept such rent as a Revenue Court, on the suit of the tenant, determines to be fair and equitable

(2) Any agreement relative to the occupation, rent, profits, or produce of any land which has been entered into for the term of the currency of an assessment shall, unless a contrary intention clearly appears in the agreement, or the agreement is terminated by consent of parties or course of law, continue in force until a revised assessment takes effect

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CHAPTER IV.

Relinquishment, Abandonment, and Ejectment.

Relinquishment.

Relinquishment by tenant for a fixed term.

35. A tenant holding for a fixed term under a contract or a decree or order of competent authority may relinquish his tenancy without notice at the end of that term.

Relinquishment by any other tenant.

36. (1) Any other tenant may relinquish his tenancy by giving verbally or in writing to his landlord, or to his landlord's agent, on or before the fifteenth day of January in any year, notice of his intention to relinquish the tenancy at the end of the agricultural year then current.

(2) The tenant may, instead of, or in addition to, giving the notice in the manner mentioned in sub-section (1), apply to a revenue-officer on or before the date aforesaid to cause the notice to be served on the landlord, and the revenue-officer, on receiving the cost of service from the tenant, shall cause the notice to be served as soon as may be.

(3) If the tenant does not give notice in the manner prescribed in this section, he shall be liable to pay the rent of his tenancy for any part of the ensuing agricultural year

during which the tenancy is not let by the landlord to some other person or is not cultivated by the landlord himself.

37. A tenant cannot, without the consent of his landlord, relinquish a part only of his tenancy.

Relinquishment of part only of a tenancy.

Abandonment.

38. If a tenant having a right of occupancy fails for more than one year without sufficient cause to cultivate his tenancy, either by himself or some other person, and to arrange for payment of the rent thereof as it falls due, the right of occupancy shall be extinguished from the end of that year.

Abandonment of tenancy by occupancy tenant.

Ejectment.

LIABILITY TO EJECTMENT.

39. A tenant having a right of occupancy shall be liable to be ejected from his tenancy on any of the following grounds, namely :—

Grounds of ejectment of occupancy-tenant

(a) that he has used the land comprised in the tenancy in a manner which renders it unfit for the purposes for which he held it ;

(b) where rent is payable in kind, that he has without sufficient cause failed to cultivate that land in the manner or to the extent customary in the locality in which the land is situate ;

(c) that a decree for an arrear of rent in respect of the tenancy has been passed against him and remains unsatisfied

40. A tenant not having a right of occupancy, but holding for a fixed term under a contract or a decree or order of competent authority, shall be liable to be ejected from his tenancy at the expiration of that term, and, on any of the following grounds, before the expiration thereof, namely :—

Grounds of ejectment of tenant for a fixed term.

(a) that he has used the land comprised in the tenancy in a manner which renders it unfit for the purposes for which he held it;

(b) where rent is payable in kind, that he has without sufficient cause failed to cultivate that land in the manner or to the extent customary in the locality in which the land is situate;

(c) on any ground which would justify ejectment under the contract, decree, or order.

41. A tenant who has not a right of occupancy, and does not hold for a fixed term under a contract or a decree or order of competent authority, may be ejected at the end of any agricultural year.

Ejectment of tenant from year to year

PROCEDURE ON EJECTMENT.*

Restriction on ejectment

42. A tenant shall not be ejected otherwise than in execution of a decree for ejectment except in the following cases, namely :—

(a) when a decree for an arrear of rent in respect of his tenancy has been passed against him and remains unsatisfied ;

(b) when the tenant has not a right of occupancy, and does not hold for a fixed term under a contract or a decree or order of competent authority.

Application to revenue-officer for ejectment.

43. In any such case as is mentioned in clause (a) or clause (b) of the last foregoing section, the landlord may apply to a revenue-officer for the ejectment of the tenant in the case mentioned in the former clause or for the service on the tenant of a notice of ejectment in the case mentioned in the latter clause.

Ejectment for failure to satisfy decree for arrear of rent.

44. (1) On receiving the application in any such case as is mentioned in clause (a) of section 42, the revenue officer shall, after such inquiry with respect to the existence of the arrear as he deems necessary, cause a notice to be served on the tenant, stating the date of the decree and the amount due thereunder, and informing him that if he does not pay that amount to the revenue-officer within fifteen days from receipt of the notice he will be ejected from the land.

(2) If the amount is not so paid, the revenue-officer shall, subject to the provisions of this Act with respect to the payment of compensation, order the ejectment of the tenant unless good cause is shown to the contrary.

Ejectment of tenant from year to year by notice.

45. (1) On receiving the application of the landlord in any such case as is mentioned in clause (b) of section 42, the revenue-officer shall, if the application is in order and not open to objection on the face of it, cause a notice of ejectment to be served on the tenant.

(2) A notice under sub-section (1) shall not be served after the fifteenth day of November in any agricultural year.†

(3) The notice shall specify the name of the landlord on whose application it is issued, and describe the land to which it relates, and shall inform the tenant that he must vacate the land before the first day of May next following, or that, if he intends to contest his liability to ejectment, he must institute a suit for that purpose in a Revenue Court within two months from the date of the service of the notice.

(4) The notice shall also inform the tenant that if he does not intend to contest his liability to be ejected and

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* See Circular 17, paras. 6 and 7, and note to Statement II on page 701 of Revenue Circulars.

† As amended by Act XII of 1891.

he has any claim for compensation on ejectment he should, within two months from the date of the service of the notice, prefer his claim to the revenue-officer having authority under the next following sub-section to order his ejectment in the circumstances described in that sub-section.

(5) If within two months from the date of the service of the notice the tenant does not institute a suit to contest his liability to be ejected, a revenue-officer, on the application of the landlord, shall, subject to the provisions of this Act with respect to the payment of compensation, order the ejectment of the tenant:

Provided that the revenue-officer shall not make the order until he is satisfied that the notice was duly served on the tenant

(6) If within those two months the tenant institutes a suit to contest his liability to be ejected and fails in the suit, the Court by which the suit is determined shall by its decree direct the ejectment of the tenant.

46. The Financial Commissioner may make rules* prescribing— Power to make rules.

(a) the form and language of applications and notices under the two last foregoing sections; and

(b) the manner in which those applications and notices are to be signed and attested.

GENERAL PROVISIONS RESPECTING EJECTMENT.

47. A decree or order for the ejectment of a tenant shall not be executed at any other time than between the first day of May and the fifteenth day of June (both days inclusive), unless the Court making the decree or, where the order is made under section 44, the officer making the order otherwise directs. Time for ejectment.

48. (1) If in a suit for the ejectment of a tenant on either of the grounds mentioned in clauses (a) and (b) of section 39 or of section 40 it appears to the Court that the injury caused by the act or omission on which the suit is based is capable of being remedied, or that an award of compensation will be sufficient satisfaction to the landlord therefor, the Court may, instead of making a decree for the ejectment of the tenant, order him to remedy the injury within a period to be fixed in the order, or order him to pay into Court, within such a period, such compensation as the Court thinks fit. Relief against forfeiture.

(2) The Court may from time to time, for special reasons, extend a period fixed by it under sub-section (1).

* Rule 294.

(3) If within the period, or extended period, as the case may be, fixed by the Court under this section, the injury is remedied or the compensation is paid, a decree for the ejectment of the tenant shall not be made.

Rights of ejected tenants in respect of crops and land prepared for sowing.

49. (1) Where at the time of the proposed ejectment of a tenant from any land his uncut or ungathered crops are standing on any part thereof, he shall not be ejected from that part until the crops have ripened and he has been allowed a reasonable time to harvest them.

(2) The Court or revenue-officer decreeing or ordering the ejectment of the tenant may, on the application of the landlord, determine any dispute arising in consequence of the provisions of sub-section (1) between the landlord and the tenant or between the landlord and any person entitled to harvest the crops of the tenant, and may in its or his discretion—

(a) direct that the tenant pay for the longer occupation of the land secured to him under sub-section (1) such rent as may be fair and equitable, or

(b) determine the value of the tenant's uncut and ungathered crops and, on payment thereof by the landlord to the Court or revenue-officer, forthwith eject the tenant.

(3) When a tenant for whose ejectment proceedings have been taken has, conformably with local usage, prepared for sowing any land comprised in his tenancy, but has not sown or planted crops on that land, he shall be entitled to receive from the landlord before ejectment a fair equivalent in money for the labour and capital expended by him in so preparing the land, and the Court or revenue-officer before which or whom the proceedings are pending shall, on the application of the tenant, determine the sum payable to the tenant under this sub-section and stay his ejectment until that sum has been paid to him.*

RELIEF FOR WRONGFUL DISPOSSESSION.

Relief for wrongful dispossession or ejectment.

50. In either of the following cases, namely:—

(a) if a tenant has been dispossessed without his consent of his tenancy or any part thereof otherwise than in execution of a decree or than in pursuance of an order under section 44 or section 45,

(b) if a tenant who, not having instituted a suit under section 45, has been ejected from his tenancy or any part thereof in pursuance of an order under that section denies his liability to be ejected,

the tenant may, within one year from the date of his dispossession or ejectment, institute a suit for recovery of possession or occupancy, or for compensation, or for both.

* See Circular 17, para. 8

51. Possession of a tenancy or of any land comprised in a tenancy shall not be recoverable under section 9 of the Specific Relief Act, 1877, by a tenant dispossessed thereof. Bar of relief by suit under section 9, Act I, 1877.

Power to vary Dates prescribed by this Chapter.

52. (1) The Local Government may, for all or any of the territories under its administration, by notification fix for the purposes of sections 36, 45, and 47, or of any of those sections, any other dates instead of those specified therein. Power for Local Government to fix dates for certain purposes.

(2) A notification under this section shall not take effect till after the expiration of six months from the date of the publication thereof.*

CHAPTER V.

Alienation of, and Succession to, Right of Occupancy.

Alienation.

53. (1) A tenant having a right of occupancy under section 5 may transfer that right by sale, gift, or mortgage, subject to the conditions mentioned in this section. Private transfer of right of occupancy under section 5 by tenant.

(2) If he intends to transfer the right by sale, gift, mortgage by conditional sale, or usufructuary mortgage, he shall cause notice of his intention to be served on his landlord through a revenue-officer, and shall defer proceeding with the transfer for a period of one month from the date on which the notice is served.

(3) Within that period of one month the landlord may claim to purchase the right at such value as a revenue-officer may, on application made to him in this behalf, fix.

(4) When the application to the revenue-officer is to fix the value of a right of occupancy which is already mortgaged, he shall fix the value of the right as if it were not mortgaged.

(5) The landlord shall be deemed to have purchased the right if he pays the value to the revenue-officer within such time as that officer appoints.

(6) On the value being so paid, the right of occupancy shall be extinct, and the revenue-officer shall, on the application of the landlord, put the landlord in possession of the tenancy.

(7) If the right of occupancy was already mortgaged, the tenancy shall pass to the landlord unincumbered by the mortgage, but the mortgage-debt shall be a charge on the purchase-money.

* See Circular 17, para 9

(8) If there is no such charge, as aforesaid, the revenue-officer shall, subject to any directions which he may receive from any Court, pay the purchase-money to the tenant.

(9) If there is such a charge, the revenue-officer shall, subject as aforesaid, either apply in discharge of the mortgage-debt so much of the purchase-money as is required for that purpose and pay the balance, if any, to the tenant, or retain the purchase-money pending the decision of a Civil Court as to the person or persons entitled thereto.

(10) Where there are several landlords of a tenancy, any one of them may be deemed to be the landlord for the purposes of this section.

(11) No suit or other proceeding shall be instituted against the Secretary of State for India in Council, or against any officer of the Government, in respect of anything done by a revenue-officer under the two last foregoing sub-sections, but nothing in this sub-section shall prevent any person entitled to receive the whole or any part of the purchase-money from recovering it from a person to whom it has been paid by a revenue-officer.

Procedure on foreclosure of mortgage of right of occupancy [illegible] section 5.

54. Where a mortgagee of a right of occupancy under section 5 proposes to foreclose his mortgage, or [illegible] nd subject to the right, [illegible] section shall, so far as [illegible] as if the mortgagee were the tenant.

Sale of right of occupancy under section 5 in execution of decree

55. (1) A right of occupancy under section 5 may be sold in execution of a decree or order of a Court;

(2) But notice of an intended sale of any such right shall be given by the Court to the landlord, and, if at any time before the close of the day on which the sale takes place the landlord pays to the Court or to the officer [illegible] f twenty-five per centum on [illegible] ale, he shall be declared to [illegible] person who made that bid.

Transfer of right of occupancy under any other section than section 5

56. A right of occupancy under any other section than section 5 shall not be attached or sold in execution of a decree or order of any Court, or, without the previous consent in writing of the landlord, be transferred by private contract.

Rights and liabilities of transferee of right of occupancy.

57. When a right of occupancy has been transferred by sale, gift, or usufructuary mortgage to a person other than the landlord, that person shall, in respect of the land in which the right subsists, have the same rights, and be subject to the same liabilities, as the tenant to whom before the transfer the right belonged had and was subject to.

58. (1) A tenant having a right of occupancy in land may, subject to the provisions of this Act and to the conditions of any written contract between him and his landlord, sublet the land or any part thereof for any term not exceeding seven years. Subletting

(2) A person to whom land is sublet by a tenant having a right of occupancy therein shall, in respect of that land, and so far as regards the landlord, be, jointly with the tenant, subject to all the liabilities of the tenant under this Act.

Succession.

59 (1) When a tenant having a right of occupancy in any land dies, the right shall devolve— Succession right of occupancy.

(a) on his male lineal descendants, if any, in the male line of descent, and,

(b) failing such descendants, on his widow, if any, until she dies, or re-marries, or abandons the land, or is under the provisions of this Act ejected therefrom, and,

(c) failing such descendants and widow, or, if the deceased tenant left a widow, then when her interest terminates under clause (b) of this sub-section, on his male collateral relatives in the male line of descent from the common ancestor of the deceased tenant and those relatives

Provided, with respect to clause (c) of this sub-section, that the common ancestor occupied the land.

(2) As among descendants and collateral relatives claiming under sub-section (1), the right shall, subject to the provisions of that sub-section, devolve as if it were land left by the deceased in the village in which the land subject to the right is situate.

(3) When the widow of a deceased tenant succeeds to a right of occupancy, she shall not transfer the right by sale, gift, or mortgage, or by sub-lease for a term exceeding one year.

(4) If the deceased tenant has left no such persons as are mentioned in sub-section (1) on whom his right of occupancy may devolve under that sub-section, the right shall be extinguished.

Irregular Transfers.

60. Any transfer made of a right of occupancy in contravention of the foregoing provisions of this chapter shall be voidable at the instance of the landlord. Irregular transfer of right of occupancy.

CHAPTER VI.

IMPROVEMENTS AND COMPENSATION.

Improvements by Landlords.

Improvements by landlords on tenancies of occupancy tenants.

61. (1) Without the previous permission of the Collector a landlord shall not make an improvement on the tenancy of a tenant having a right of occupancy.

(2) If a landlord desires to make such an improvement he may apply to the Collector for permission to make it, and the Collector shall, before making an order on the application, hear the objection, if any, of the tenant.

(3) [illegible]

the Governor-General in Council, make in this behalf.*

Enhancement of rent in consideration of an improvement made by a landlord on the tenancy of an occupancy tenant.

62. (1) When a landlord has, with the permission mentioned in the last foregoing section, made an improvement on the tenancy of a tenant having a right of occupancy, he may apply to the Collector for an enhancement of the rent of the tenant.

(2) If the tenant is a tenant to whom section 20 applies, the Collector shall enhance his rent to the share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having a similar right of occupancy, for land of a similar description and with similar advantages.

(3) If the tenant is a tenant to whom section 22 applies, the Collector shall enhance his rent to such amount as the tenant would be liable to pay under that section if the land-revenue were reassessed.

(4) When the improvement ceases to exist, the Collector may, on the application of the tenant, reduce the tenant's rent—

(a) in the case of a tenant to whom sub-section (2) applies, to the share or rates, or with reference to the rent in gross, as the case may be, paid by tenants, having a similar right of occupancy, for land of a similar description and with similar advantages, and

(b) in the case of a tenant to whom sub-section (3) applies, to such an amount as the tenant would be liable to pay if the land-revenue were reassessed.

(5) Sections 25 and 26 shall be construed as applying to an application under this section, and a suit shall not lie in any Court for any purpose for which an application might be made under this section.

* See Circular 17, para. 10

Improvements by Tenants.

63. A tenant having a right of occupancy is entitled to make improvements on his tenancy. Title of occupancy tenant to make improvements.

64. (1) A tenant not having a right of occupancy may make *improvements on his tenancy with the assent of his* landlord. Title of tenants not having right of occupancy to make improvements.

(2) If at any time the question arises whether or not the landlord assented to the making of an improvement by a tenant not having a right of occupancy, the assent may be inferred from circumstances.

65. Improvements made by a tenant before the commencement of this Act shall be deemed to have been made in accordance with this Act, unless in the case of a tenant not having a right of occupancy it is shown that the improvement was made in contravention of a written agreement between him and his landlord. Improvements made before commencement of this Act.

66. A tenant ejected in execution of a decree, or in pursuance of a notice of ejectment, shall not be entitled to compensation for any improvement begun by him after the institution of the suit, or service of the notice which resulted in his ejectment. Improvements begun in anticipation of ejectment.

67. If a landlord tenders to a tenant a lease of his tenancy for a term of not less than twenty years from the date of the tender at the rent then paid by the tenant, or at such other rent as may be agreed on, the tender, if accepted by the tenant, shall bar any claim by him to compensation in respect of improvements previously made on the tenancy. Tender of lease for twenty years to tenant to be a bar to right to compensation.

68. Subject to the foregoing provisions of this chapter, a tenant who has made an improvement on his tenancy in accordance with this Act shall not be ejected, and the rent payable by him shall not be enhanced, until he has received compensation for the improvement. Liability to pay compensation for improvements to tenant on ejectment or on enhancement of his rent.

Compensation for Disturbance of Clearing Tenants

69. (1) A tenant who has cleared and brought under cultivation waste land in which he has not a right of occupancy shall, if ejected from that land, be entitled to receive from the landlord as compensation for disturbance, in addition to any compensation for improvements, a sum to be determined by a Revenue Court or revenue-officer in accordance with the merits of the case, but not exceeding five years' rent of the land.* Compensation for disturbance of clearing tenants.

Provided that a tenant who is a joint owner of land to which this section applies shall not be entitled to compensation for disturbance on ejectment from the land or any part thereof.

* See Circular 17, para. 11.

(2) If rent has been paid for the land by division or appraisement of the produce, or by rates fixed with reference to the nature of the crops grown, or if no rent, or no rent other than the land-revenue of the land and the rates and cesses chargeable thereon, has been paid therefor, the compensation may be computed as if double the amount of the land-revenue of the land were the annual rent thereof.

Procedure in determining Compensation.

Determination of compensation by Revenue Courts.

70. (1) In every suit by a tenant to contest his liability to ejectment or by a landlord to eject a tenant or to enhance his rent, the Court shall direct the tenant to file a statement of his claim, if any, to compensation for improvements or for disturbance and of the grounds thereof.

(2) If the Court decrees the ejectment of the tenant or the enhancement of his rent, it shall determine the amount of compensation, if any, due to the tenant, and shall stay execution of the decree until the landlord pays into Court that amount less any arrears of rent or costs proved to the satisfaction of the Court to be due to him from the tenant.

Determination of compensation by revenue-officers.

71 In either of the following cases, namely,—

(a) when a notice has been served on a tenant under section 44,

(b) when a notice of ejectment has been served on a tenant under section 45, and the tenant has not instituted a suit to contest his liability to be ejected,

the tenant may apply to the revenue-officer having authority to order his ejectment under section 44 or section 45, as the case may be, to determine the amount of compensation due to him for improvements or for disturbance, or for both; and the revenue-officer shall determine the amount, if any, accordingly and stay the ejectment of the tenant until the landlord pays to the revenue-officer the amount so determined less any arrears of rent or costs proved to the satisfaction of the revenue-officer to be due to the landlord from the tenant

Matters to be regarded in assessment of compensation for improvements.

72. In estimating the compensation to be awarded under this chapter to a tenant for an improvement, the Court or revenue-officer shall have regard to—

(a) the amount by which the value or the produce of the tenancy, or the value of that produce, is increased by the improvement;

(b) the condition of the improvement and the probable duration of its effects;

(c) the labour and capital required for the making of such an improvement,

(d) any reduction or remission of rent or other advantage allowed to the tenant by the landlord in consideration of the improvement ; and

(e) in the case of a reclamation, or of the conversion of [illegible]

73 (1) The compensation shall be made by payment in money, unless the parties agree that it be made in whole or in part by the grant of a beneficial lease of land or in some other way. Form of compensation.

(2) If the parties so agree, the Court or revenue-officer shall make an order accordingly

Relief in case of Ejectment before Determination of Compensation

74. (1) If from any cause the amount of compensation payable to a tenant— Relief in case of ejectment before determination of compensation.

under this chapter for improvements or disturbance, or

under section 49 for the value of uncut or ungathered crops, or the preparation of land for sowing,

has not been determined before the tenant is ejected, the ejectment shall not be invalidated by reason of the omission; but the Court or revenue-officer which decreed or who ordered the ejectment may, on application made by the tenant within one year from the date of the ejectment, correct the omission by making in favour of the tenant an order for the payment to him by the landlord of such compensation as the Court or officer may determine the tenant to be entitled to

(2) An order made under sub-section (1) may be executed in the same manner as a decree for money may be executed by a Revenue Court

CHAPTER VII

JURISDICTION AND PROCEDURE.

Jurisdiction

75. (1) There shall be the same classes of revenue-officers under this Act as under the Punjab Land Revenue Act, 1887, and, in the absence of any order of the Local Government to the contrary, a revenue-officer of any class Revenue-officers.

* See Circular 17, para. 11.

having jurisdiction within any local limits under that Act shall be a revenue-officer of the same class having jurisdiction within the same local limits under this Act.

(2). The expressions "Collector" and "Financial Commissioner" have the same meaning in this Act as in the Punjab Land Revenue Act, 1887.

Applications and proceedings cognizable by revenue officers.

76. (1) The following applications and proceedings shall be disposed of by revenue-officers as such, and no Court shall take cognizance of any dispute or matter with respect to which any such application or proceeding might be made or had:—

FIRST GROUP.

(a) proceedings under section 27 for the adjustment of rents expressed in terms of the land-revenue;

(b) proceedings relating to the remission and suspension of rent under section 30;

(c) applications under section 48 for the ejectment of a tenant against whom a decree for an arrear of rent in respect of his tenancy has been passed and remains unsatisfied;

(d) applications under section 45, sub-section (5), for the ejectment of a tenant on whom a notice of ejectment has been served, and who has not instituted a suit to contest his liability to be ejected, but has claimed compensation under section 71;

(e) applications under section 53 or section 54 for the fixing of the value of a right of occupancy;

(f) applications under section 53 or section 54 by landlords for possession of land the right of occupancy in which has become extinct;

(g) proceedings under Chapter VI with respect to the award of compensation for improvements or disturbance.

SECOND GROUP.

(h) applications under section 17 with respect to the division or appraisement of produce;

(i) applications under section 45, sub-section (5), for the ejectment of a tenant on whom a notice of ejectment has been served, and who has not instituted a suit to contest his liability to be ejected and has not claimed compensation under section 71;

(j) applications for the determination—

(i) under section 49 of the rent payable for land occupied by crops uncut or ungathered at the time of an order being made for the ejectment of a tenant, or

(ii) under section 49 or section 74 of the value of such crops or of the sum payable to the tenant for labour and capital expended by him in preparing land for sowing.

THIRD GROUP.

(k) applications under section 31 by tenants to deposit rent ;

(l) applications under section 36 for service of notice of relinquishment ;

(m) applications under section 43 for service of notice of ejectment ;

(n) applications under section 53 or section 54 for service of notice of intended transfer or of intended foreclosure or other enforcement of lien.

(2) Except as otherwise provided by any rule made by the Financial Commissioner in this behalf,—

(a) a Collector or an Assistant Collector of the first grade may dispose of any of the applications and proceedings mentioned in sub-section (1) ,*

(b) an Assistant Collector of the second grade, not being a Naib-Tahsildár, may dispose of any of the applications mentioned in the second and third groups of that sub-section ; and

(c) a Naib-Tahsildár, when invested with the powers of an Assistant Collector of the second grade, may dispose of any of the applications mentioned in the third group of that sub-section.

Revenue Courts and suits cognizable by them.

77. (1) When a revenue-officer is exercising jurisdiction with respect to any such suit as is described in sub-section (3), or with respect to an appeal or other proceeding arising out of any such suit, he shall be called a Revenue Court.

(2) There shall be the same classes of Revenue Courts as of revenue-officers under this Act, and, in the absence of any order of the Local Government to the contrary, a revenue-officer of any class having jurisdiction within any local limits under this Act shall be a Revenue Court of the same class having jurisdiction within the same local limits.

*See Circular 17, para. 7.

(3) The following suits shall be instituted in and heard and determined by Revenue Courts, and no other Court shall take cognizance of any dispute or matter with respect to which any such suit might be instituted :—

FIRST GROUP.

(a) suits between landlord and tenant for enhancement or reduction of rent under section 24;

(b) suits between landlord and tenant for addition to or abatement of rent under section 28, or for commutation of rent;

(c) suits under section 34 for determination of rent or other sum on the expiration of the term of an assessment of land-revenue.

SECOND GROUP.

(d) suits by a tenant to establish a claim to right of occupancy, or by a landlord to prove that a tenant has not such a right;

(e) suits by a landlord to eject a tenant;

(f) suits by a tenant under section 45 to contest liability to ejectment, when notice of ejectment has been served;

(g) suits by a tenant under section 50 for recovery of possession or occupancy, or for compensation, or for both;

(h) suits by a landlord to set aside a transfer made of a right of occupancy, or to dispossess a person to whom such a transfer has been made, or for both purposes;

(i) any other suit between landlord and tenant arising out of the lease or conditions on which a tenancy is held;

(j) suits for sums payable on account of village-cesses or village expenses;

(k) suits by a co-sharer in an estate or holding for a share of the profits thereof or for a settlement of accounts;

(l) suits for the recovery of over-payments of rent, of land-revenue, or of any other demand for which a suit lies in a Revenue Court under this sub-section;

(m) suits relating to the emoluments of kánúngos, zaildárs, inámdárs, or village-officers.

THIRD GROUP.

(n) suits by a landlord for arrears of rent or the money-equivalent of rent, or for sums recoverable under section 14;

(o) suits by a landowner to recover moneys claimed as due for the enjoyment of rights in or over land or in water, including rights of irrigation, rights over fisheries, rights of pasturage, and forest rights;

(p) suits for sums payable on account of land-revenue or of any other demand recoverable as an arrear of land-revenue under any enactment for the time being in force, and by a superior landowner for other sums due to him as such.

(4) Except as otherwise provided by any rule* made by the Financial Commissioner in this behalf,—

(a) a Collector may hear and determine any of the suits mentioned in sub-section (3);

(b) an Assistant Collector of the first grade may hear and determine any of the suits mentioned in the second and third groups of that sub-section, and, if he has by name been specially empowered in this behalf by the Local Government, any of the suits mentioned in the first group; and

(c) an Assistant Collector of the second grade may hear and determine any of the suits mentioned in the third group.

Administrative Control.

Superintendence and control of revenue-officers and Revenue Courts.

78. (1) The general superintendence and control over all other revenue-officers and Revenue Courts shall be vested in, and all such officers and Courts shall be subordinate to, the Financial Commissioner.

(2) Subject to the general superintendence and control of the Financial Commissioner, a Commissioner shall control all other revenue officers and Revenue Courts in his division.

(3) Subject as aforesaid and to the control of the Commissioner, a Collector shall control all other revenue-officers and Revenue Courts in his district.

79. (1) [illegible]
or Collector [illegible]
manner as he [illegible]
revenue-office [illegible]

* Rules 275—276.

(2) The Financial Commissioner or a Commissioner or Collector may withdraw any case pending before any revenue-officer or Revenue Court under his control, and either dispose of it himself, or by written order refer it for disposal to any other revenue-officer or Revenue Court under his control

(3) An order under sub-section (1) or sub-section (2) shall not empower any revenue-officer or Revenue Court to exercise any powers or deal with any business which he or it would not be competent to exercise or deal with within the local limits of his or its own jurisdiction.

Appeal, Review, and Revision.

Appeals. 80. Subject to the provisions of this Act and the rules thereunder, an appeal shall lie from an original or appellate order or decree made under this Act by a revenue-officer or Revenue Court, as follows, namely :—

(a) to the Collector when the order or decree is made by an Assistant Collector of either grade ;

(b) to the Commissioner when the order or decree is made by a Collector ;

(c) to the Financial Commissioner when the order or decree is made by a Commissioner :

Provided that—

(i) an appeal from an order or decree made by an Assistant Collector of the first grade specially empowered by name in that behalf by the Local Government in a suit mentioned in the first group of sub-section (3) of section 77 shall lie to the Commissioner, and not to the Collector ;

(ii) when an original order or decree is confirmed on first appeal, a further appeal shall not lie ;

(iii) when any such order or decree is modified or reversed on appeal by the Collector, the order or decree made by the Commissioner on further appeal, if any, to him shall be final.

Limitation for appeals. 81. The period of limitation for an appeal under the last foregoing section shall run from the date of the order or decree appealed against, and shall be as follows, that is to say :—

(a) when the appeal lies to the Collector—thirty days ;

(b) when the appeal lies to the Commissioner—sixty days ;

(c) when the appeal lies to the Financial Commissioner—ninety days.

82. (1) A revenue-officer, as such, may, either of his own motion or on the application of any party interested, review, and on so reviewing modify, reverse, or confirm any order passed by himself or by any of his predecessors in office. Review by revenue-officers.

Provided as follows :—

(a) when a Commissioner or Collector thinks it necessary to review any order which he has not himself passed, and when a revenue-officer of a class below that of Collector proposes to review any order, whether passed by himself or by any of his predecessors in office, he shall first obtain the sanction of the revenue-officer to whose control he is immediately subject;

(b) an application for review of an order shall not be entertained unless it is made within ninety days from the passing of the order, or unless the applicant satisfies the revenue-officer that he had sufficient cause for not making the application within that period;

(c) an order shall not be modified or reversed unless reasonable notice has been given to the parties affected thereby to appear and be heard in support of the order;

(d) an order against which an appeal has been preferred shall not be reviewed.

(2) For the purposes of this section the Collector shall be deemed to be the successor in office of any revenue-officer of a lower class who has left the district or has ceased to exercise powers as a revenue-officer, and to whom there is no successor in office.

(3) An appeal shall not lie from an order refusing to review, or confirming on review, a previous order.

83. In the computation of the period for an appeal from, or an application for the review of, an order under this Act, the limitation therefor shall be governed by the Indian Limitation Act, 1877. Computation of periods limited for appeals and applications for review.

84. (1) The Financial Commissioner may at any time call for the record of any case pending before, or disposed of by, any revenue-officer or Revenue Court subordinate to him. Power to call for, examine, and revise proceedings of revenue-officers and Revenue Courts.

(2) A Commissioner or Collector may call for the record of any case pending before, or disposed of by, any revenue-officer or Revenue Court under his control.

(3) If in any case in which a Commissioner or Collector has called for a record he is of opinion that the proceedings taken or the order or decree made should be modified or reversed, he shall submit the record, with his opinion on the case, for the orders of the Financial Commissioner.

(4) If, after examining a record called for by himself under sub-section (1) or submitted to him under sub-section (3), the Financial Commissioner is of opinion that it is inexpedient to interfere with the proceedings or the order or decree, he shall pass an order accordingly.

(5) If, after examining the record, the Financial Commissioner is of opinion that it is expedient to interfere with the proceedings or the order or decree, on any ground on which the Chief Court in the exercise of its revisional jurisdiction may, under the law for the time being in force, interfere with the proceedings or an order or decree of a Civil Court, he shall fix a day for hearing the case, and may, on that or any subsequent day to which he may adjourn the hearing or which he may appoint in this behalf, pass such order as he thinks fit in the case.

(6) Except when the Financial Commissioner fixes under sub-section (5) a day for hearing the case, no party has any right to be heard before the Financial Commissioner when exercising his powers under this section.

Procedure.

Procedure of revenue-officers.

85 (1) The Local Government may make rules consistent with this Act for regulating the procedure of revenue-officers under this Act in cases in which a procedure is not prescribed by this Act.*

(2) The rules may provide, among other matters, for the mode of enforcing orders of ejectment from, and delivery of possession of, immoveable property, and rules providing for those matters may confer on a revenue-officer all or any of the powers in regard to contempts, resistance, and the like which a Civil Court may exercise in the execution of a decree whereby it has adjudged ejectment from, or delivery of possession of, such property.

(3) The rules may also provide for the mode of executing orders as to costs, and may adapt to proceedings under this Act all or any of the provisions of the Punjab Land Revenue Act, 1887, with respect to arbitration.

(4) Subject to the rules under this section, a revenue-officer may refer any case which he is empowered to dispose of under this Act to another revenue-officer for investigation and report, and may decide the case upon the report.

* Rules 279—288.

Persons by whom appearances may be made before revenue-officers as such, and not as Revenue Courts.

86. (1) Appearances before a revenue-officer as such, and applications to and acts to be done before him, under this Act may be made or done—

(a) by the parties themselves, or

(b) by their recognized agents or a legal practitioner:

Provided that the employment of a recognized agent [illegible]

(2) For the purposes of sub-section (1), recognized agents shall be such persons as the Local Government may by notification declare in this behalf *

(3) The fee [illegible] as costs in any [illegible] this Act, unless [illegible] recorded by him in writing, that the fees should be allowed.

Costs.

87. (1) A revenue-officer may give and apportion the costs of any proceeding under this Act in any manner he thinks fit.

(2) But if he orders that the costs of any such proceeding shall not follow the event, he shall record his reasons for the order.

Procedure of Revenue Courts.

88. (1) The Local Government may, with the previous sanction of the Governor-General in Council, make rules consistent with this Act for regulating the procedure of Revenue Courts in matters under this Act for which a procedure is not prescribed thereby, and may by any such rule direct that any provisions of the Code of Civil Procedure shall apply, with or without modification, to all or any classes of cases before those Courts.

(2) Until rules are made under sub-section (1), and subject to those rules when made and to the provisions of this Act,—

(a) the Code of Civil Procedure shall, so far as it is applicable, apply to all proceedings in Revenue Courts, whether before or after decree; † and

(b) the Financial Commissioner shall, in respect of those proceedings, be deemed to be the High Court within the meaning of that Code, and shall, subject to the provisions of this Act, exercise as regards the Courts under his control all the powers of a High Court under the Code.

* Rule 280.

† See Circular 17, paras. 22—30.

Power of revenue-officer or Revenue Court to summon persons.

89. (1) A revenue-officer or Revenue Court may summon any person whose attendance he or it considers necessary for the purpose of any application, suit, or other business befor him or it as a revenue-officer or Revenue Court.

(2) A person so summoned shall be bound to appear at the time and place mentioned in the summons in person, or, if the summons so allows, by his recognized agent or a legal practitioner.

(3) The person attending in obedience to the summons shall be bound to state the truth upon any matter respecting which he is examined or makes statements, and to produce such documents and other things relating to any such matter as the revenue-officer or Revenue Court may require.

Mode of service of summons.

90. (1) A summons issued by a revenue-officer or Revenue Court shall, if practicable, be served (*a*) personally on the person to whom it is addressed, or failing him on (*b*) his recognised agent or (*c*) an adult male member of his family who is residing with him.

(2) If service cannot be so made or if acceptance of service so made is refused, the summons may be served by posting a copy thereof at the usual or last known place of residence of the person to whom it is addressed, or, if that person does not reside in the district in which the revenue-officer is employed or the Revenue Court is held, and the case to which the summons relates has reference to land in that district, then by posting a copy of the summons on some conspicuous place in or near the estate wherein the land is situate.

(3) If the summons relates to a case in which persons having the same interest are so numerous that personal service on all of them is not reasonably practicable, it may, if the revenue-officer or Revenue Court so directs, be served by delivery of a copy thereof to such of those persons as the officer or Court nominates in this behalf and by proclamation of the contents thereof for the information of the other persons interested.

(4) A summons may, if the revenue-officer or Revenue Court so directs, be served on the person named therein, either in addition to, or in substitution for, any other mode of service, by forwarding the summons by post in a letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866.

(5) When a summons is so forwarded in a letter and it is proved that the letter was properly addressed and duly posted and registered, the officer or Court may presume that the summons was served at the time when the letter would be delivered in the ordinary course of post.

91. A notice, order, or proclamation, or copy of any such document, issued by a revenue-officer or Revenue Court for service on any person shall be served in the manner provided in the last foregoing section for the service of a summons.

Mode of service of notice, order, or proclamation, or copy thereof.

92. When a proclamation relating to any land is issued by a revenue-officer or Revenue Court, it shall, in addition to any other mode of publication which may be prescribed by any enactment for the time being in force, be made by beat of drum or other customary method, and by the posting of a copy thereof on a conspicuous place in or near the land to which it relates.

Mode of making proclamation.

93. (1) Any number of tenants cultivating in the same estate may, in the discretion of the revenue-officer or Revenue Court, and subject to any rules* which the Local Government may make in this behalf, be made parties to any proceeding under Chapter III.

Joinder of tenants as parties to proceedings relating to rent.

(2) But a decree or order shall not be made in any such proceeding unless the revenue-officer or Revenue Court is satisfied that all the parties thereto have had an opportunity of appearing and being heard.

(3) A decree or order made in any such proceeding shall specify the extent to which each of the tenants is affected thereby.

94. Nothing in section 424 of the Code of Civil Procedure, or in section 36 of the Punjab Municipal Act, 1884, shall be construed to apply to a suit of a class mentioned in section 77 of this Act.

Exception of suits under the Act from operation of certain enactments.

95. (1) When a defendant admits that money is due from him on account of rent, but pleads that it is due not to the plaintiff but to a third person, the Court shall, except for special reasons to be recorded by it, refuse to take cognizance of the plea unless the defendant pays into Court the amount so admitted to be due.

Payment into Court of money admitted to be due to third person.

(2) Where such a payment is made, the Court shall forthwith cause notice of the payment to be served on the third person.

(3) Unless the third person, within three months from the receipt of the notice, institutes a suit against the plaintiff and therein obtains an order restraining payment of the money, it shall be paid to the plaintiff on his application to the Court therefor.

(4) Nothing in this section shall affect the right of any person to recover from the plaintiff money paid to him under sub-section (3).

* No rules have been made under this section.

Holidays. 102. (1) The Financial Commissioner, with the approval of the Local Government, shall publish in the local official Gazette, before the commencement of each calendar year, a list of days to be observed in that year as holidays by all or any revenue-officers and Revenue Courts.

(2) A proceeding had before a revenue-officer or Revenue Court on a day specified in the list as a day to be observed by the officer or Court as a holiday shall not be invalid by reason only of its having been had on that day.

Discharge of duties of Collector dying or being disabled. 103. When a Collector dies or is disabled from performing his duties, the officer who succeeds temporarily to the chief executive administration of the district under any orders which may be generally or specially issued by the Local Government in this behalf shall be deemed to be a Collector under this Act.

Retention of powers by revenue-officers on transfer. 104. When a revenue-officer of any class who, either as such or as a Revenue Court, has under the foregoing provisions of this Act any powers to be exercised in any local area is transferred from that local area to another as a revenue-officer or Revenue Court of the same or a higher class, he shall continue to exercise those powers in that other local area, unless the Local Government otherwise directs or has otherwise directed.

Conferment of powers of revenue-officer or Revenue Court. 105. (1) The Local Government may by notification confer on any person—

(a) all or any of the powers of a Financial Commissioner, Commissioner, or Collector under this Act, or

(b) all or any of the powers with which an Assistant Collector of either grade is or may be invested thereunder,

and may by notification withdraw any powers so conferred.

(2) A person on whom powers are conferred under sub-section (1) shall exercise those powers within such local limits and in such classes of cases as the Local Government may direct, and, except as otherwise directed by the Local Government, shall for all purposes connected with the exercise thereof be deemed a Financial Commissioner, Commissioner, Collector, or Assistant Collector, as the case may be.

(3) Before conferring powers on the Judge of a Civil Court under sub-section (1), the Local Government shall consult the Chief Court.

(4) If any of the powers of a Collector under section 78, section 79, section 80, or section 82 are conferred on an Assistant Collector, they shall, unless the Local Gov-

ernment by special order otherwise directs, be exercised by him subject to the control of the Collector.

Power for Financial Commissioner to make rules.

106. (1) The Financial Commissioner may, in addition to the other rules which may be made by him under this Act, make rules consistent with this Act and any other enactment for the time being in force,—

(a) de[illegible] ything in any [illegible] and amount of [illegible] and at which rent is to be paid;

(b) for the guidance of revenue-officers in determining, for the purposes of this Act, the amount of the land-revenue of any land;

(c) prescribing, for all or any of the territories to which this Act extends, the periods during which, in proceedings held under this Act, a revenue-officer or Revenue Court is not, except for reasons of urgency to be recorded, to issue any process of arrest against a tenant or against a landowner who cultivates his own land, *

(d) regulating the procedure in cases where persons are entitled to inspect records of revenue-offices or Revenue Courts, or to obtain copies of the same, and prescribing the fees payable for searches and copies; †

(e) prescribing forms for such books, entries, statistics, and accounts as the Financial Commissioner thinks necessary to be kept, made, or compiled in revenue-offices or Revenue Courts or submitted to any authority;

(f) declaring what shall be the language of any of those offices and Courts, and determining in what cases persons practising in those offices and Courts shall be permitted to address the presiding officers thereof in English; ‡ and

(g) generally for the guidance of revenue-officers and other persons in matters connected with the enforcement of this Act §

(2) Until rules are made under clause (a) of sub-section (1), rent shall be payable by the instalments and at the times by and at which it is now payable.

(3) Rules made by the Financial Commissioner under this or any other section of this Act shall not take effect until they have been sanctioned by the Local Government.

* Rule 292
† Rules 295—330
‡ Rules 277—278.
§ Rule 293

Rules to be made after previous publication.

107. The power to make any rules under this Act is subject to the control of the Governor-General in Council, and to the condition of the rules being made after previous publication.

Powers exercisable by Financial Commissioner from time to time.

108. All powers conferred by this Act on the Financial Commissioner may be exercised from time to time as occasion requires.

CHAPTER VIII.

EFFECT OF THIS ACT ON RECORDS-OF-RIGHTS AND AGREEMENTS.

Nullity of certain entries in records of rights.

109. An entry in any record-of-rights providing—

(a) that a landlord may prevent a tenant from making, or eject him for making, such improvements on his tenancy as he is entitled to make under this Act, or

(b) that a tenant ejected from his tenancy shall not be entitled to compensation for improvements or for disturbance in any case in which he would under this Act be entitled to compensation therefor, or

(c) that a landlord may eject a tenant otherwise than in accordance with the provisions of this Act,

shall be void to that extent.

Nullity of certain agreements contrary to the Act.

110. (1) Nothing in any agreement made between a landlord and a tenant after the passing of this Act shall—

(a) override any of the provisions of this Act with respect to the acquisition of a right of occupancy, or the reduction, remission, or suspension of rent, or the enhancement of the rent of a tenant having a right of occupancy under section 5 or section 6, or

(b) take away or limit the right of a tenant as determined by this Act to make improvements and claim compensation therefor, or, where compensation for disturbance can be claimed under this Act, to claim such compensation, or

(c) entitle a landlord to eject a tenant otherwise than in accordance with the provisions of this Act.

(2) Nothing in clause (a) of sub-section (1) shall apply to an agreement by which a tenant binds himself to pay an enhanced rent in consideration of an improvement which has been, or is to be, made in respect of his tenancy by, or at the expense of, his landlord, and to the benefit of which the tenant is not otherwise entitled.

Saving of other agreements when in writing.

111. Save as expressly provided in this Act, nothing in this Act shall affect the operation of any agreement between a landlord and a tenant, when the agreement

either is in writing or has been recorded in a record-of-rights before the passing of the Punjab Land Revenue Act, 1887, or been entered by order of a revenue-officer in a record-of-rights or annual record under the provisions of that Act.

Effect of certain entries made in records of rights before November 1871.

112. An entry made with respect to any of the following matters before the eighteenth day of November 1871, and attested by the proper officer, in the record of a regular settlement sanctioned by the Local Government, namely:—

(a) the enhancement or abatement of the rent of a tenant having a right of occupancy, or the commutation of rent in kind into rent in money or of rent in money into rent in kind, or the taking of rent in kind by division or appraisement of the produce, or other procedure of a like nature, or

(b) the letting or under-letting of land in which there is a right of occupancy by the tenant having that right, or the alienation of, or succession to, land in which such a right subsists,

shall be deemed to be an agreement within the meaning of the last foregoing section.

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PART I.—Rules relating to Patwaris and Kanungos.

CHAPTER I.

OF THE APPOINTMENT, PAYMENT, AND REMOVAL OF PATWARIS (SECTIONS 28 & 29, LAND REVENUE ACT).

1. The Commissioner shall regulate, as may be necessary from time to time, the number of Patwári circles into which each tahsil shall be divided and the limits of each circle — *Circles to be fixed by Commissioner*

2 A Patwári shall be appointed to each circle, and for special reasons, with the sanction of the Commissioner, an Assistant Patwári may be added — *Patwaris and Assistant Patwáris*

3. All charges on account of the Patwári establishment of a district shall be paid out of the portion of the village officers' cess or other income assigned for the purpose by the Financial Commissioner, and according to a schedule sanctioned from time to time by the Financial Commissioner In such schedules the system of payment shall ordinarily be according to grades, but the Financial Commissioner may, under special circumstances, authorize payment by circles — *Payment of Patwáris*

4 The monthly pay of a Patwári * shall ordinarily be neither less than Rs 10 nor more than Rs. 20, exclusive of income from mutation fees and local rate † The said limits shall not be transgressed, except with the sanction of the Financial Commissioner, who will pass such orders for each district as are practicable with reference to the income of the Patwári cess. — *Limits of a Patwári's pay*

5. The Patwáris of each tahsíl shall, as a rule, be selected from residents of that tahsil or of its immediate vicinity. — *Patwaris to be residents of tahsil or its vicinity*

6. There shall be kept up for each tahsil a register of candidates in the form appended to this chapter. In this register candidates shall be entered in the order in which their applications are accepted, but priority of entry shall give no priority of claim to appointment — *Register of Patwári candidates*

7 Application for entry in this register shall be made by candidates in person to the Collector or such other officer not below the rank of Assistant Collector of the first grade as he shall appoint — *Qualifications of applicants*

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* The full pay sanctioned and all fees attaching to the post must be given to the man who actually does the work (Circular 28, para 2)
Pay must be disbursed when due even if account is overdrawn (Circular 28, para 5)
For form of pay bill see Circular 28, para. 7
For allowance to Patwári on canal water-rate collections, see Circular 33, para 11, rule 3

† The percentage formerly allowed on local rate collections has been abolished

The officer dealing with the application shall ascertain—

that the applicant can write the Urdu character with facility and with a legible and formed hand.*

that he can work out correctly and quickly simple sums in Arithmetic, such as occur in a Patwári's daily work,

that the applicant's physique and health is fair, his eyesight good, and his age not less than 15 nor more than 30 years;

that the applicant is of respectable character, and has not been dismissed from any other employment for serious misconduct.

All applicants satisfying the above conditions will usually be entered in the register

Patwári School and Examination.

8. Any candidate entered in the register may attend the Patwári School† and present himself for the Patwári Examination. If a candidate fails to pass this examination within three years after entry in the register, his name will usually be struck out of the register.

Filling up of vacancies.

9. When the office of Patwári is vacant in any circle, wh [illegible] be filled up by [illegible] of the tahsil in [illegible] by selection fro [illegible] regard being had to the following considerations:—

(i).—If there is any passed candidate on the register with a claim to succeed to the vacancy as son or brother of the previous Patwári, his claim shall be first considered. But the Collector may, for reasons to be recorded by him, disallow this claim. The preference thus allowed does not arise, unless the previous Patwári took his office by inheritance, or held it for ten years. And no preference shall be allowed to the son or brother of a Patwári dismissed for misconduct

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* Efforts should be made to secure young men who have passed the Middle School Examination (Circular 28, para. 3)

† Expenditure upon Patwári Schools is charged to Patwári fund (Circular 28, para 13)

Instructions for management of Patwári Schools will be found in Circular 28, para. 16

(*ii*).—Failing the acceptance of any claim of the nature last referred to, the most suitable passed candidate shall be appointed. In making such appointments the Collector shall consider the circumstances of the vacancy and of the villages comprising the circle in which it has occurred No particular class of men should be allowed to absorb too many Patwáriships. A candidate, otherwise suitable, may be passed over on the ground that his father or relations make their living by lending money to the agriculturists of the circle or its vicinity, or for some similar circumstances likely to affect the Patwári unfavorably in the performance of his duties. And such preference as is practicable shall be given to those passed candidates who are better educated than others.

(*iii*).—Candidates who have not passed the Patwári Examination shall not be appointed, except when—no passed candidate being available— [illegible]

rary only, and a Patwári so appointed shall be dismissed unless he pass the Patwári Examination within two years after date of appointment.

10. An accepted candidate who engages in money-lending, or in such transactions as would, if he were a Patwári, involve his dismissal, may be struck off the register. Grounds for removing name of candidate from Register.

11. Every Patwári or Assistant Patwári shall, under penalty of dismissal, reside himself with his family within his circle, unless he shall receive the written permission of the Collector to reside or to locate his family without it. And he shall not leave his circle except on duty or with sanction. Patwári's residence.

The practice of calling Patwáris to tahsíl head-quarters or other central place for the more convenient preparation of jamabandís and other returns is prohibited, except so far as it may be unavoidable, in order to obtain from a Patwári returns which have not been submitted by due date.

12. A Patwári shall not engage in trade. Nor shall he lend money to agriculturists or have any interest, direct or indirect, in such transactions either in his own circle or in any other circle. And he shall not acquire land within his own circle otherwise than by inheritance. Patwári's disabilities.

The tenure of any land or of any interest in land by a Patwári, whether within or without his circle, shall be notified by him to the Tahsíldár, and may be made a reason for his dismissal, if it is not so notified, or if it appears that he is thereby prejudiced in the performance of his duties.

No Patwári shall write, attest, or witness any deed or agreement, except as required in these rules, unless he is personally and unavoidably interested therein.

Dismissal of Patwáris for indebtedness.

13. A Patwári who borrows money from an agriculturist of his circle, or who is in a condition of serious pecuniary embarrassment, may be dismissed.

Punishment of Patwáris

14. A Patwári may be fined* or dismissed for misconduct, neglect of duty, or incapacity, his explanation being first recorded.

Dismissal on account of infirmity.

15. When a Patwári *is permanently incapacitated* by disease or infirmity from efficiently performing his duties, he shall be dismissed.† If he is temporarily incapacitated, he may be given leave without pay; but after he has been so absent for two years, he shall be dismissed.

On giving up charge of circle, Patwári to make over his records to the Kanungo.

16. On dismissal, resignation, or transfer, a Patwári is legally bound to make over his papers, records, and equipment to the Kánúngo, taking a receipt for the same, on penalty, in case of recusance, of being prosecuted under the Criminal Law

In making appointments, representations of agriculturists to be considered.

17. The Collector will consider any representations made by the agriculturists of a Patwári's circle concerning the appointment of the Patwári.

Exclusion of legal practitioners from Patwari cases.

18. No legal practitioner or revenue-agent shall be heard in cases under this chapter.

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* Fines are recovered by short drawal in salary bill (Circular 28, para 13).

† For rules regarding grant of gratuities on retirement, see Circular 28, para 17.

REGISTER OF ACCEPTED CANDIDATES FOR THE POST OF PATWARI IN TAHSIL———— DISTRICT————

[*N B —This Register will be kept in the Collector's Office, and should not be sent to the Tahsil, but a copy should be kept in the Tahsil*]

1	2	3	4	5	6	7	8	9	10	11	12	13	14
										SUBSEQUENT ENTRIES			
Serial number of entry.	Date of entry	Name, father's name, caste, and residence of candidate.	Date of birth	Where educated, what examination passed and date of passing; also copy of any details given in the certificate	Profession of candidate's father, particulars of land owned by his family, and of offices held by them under Government	Physical efficiency of candidate, especially as regards eyesight	Whether candidate is related to any Patwári or Kánúngo holding office at date of entry	Detail of any offices held by candidate at or before date of the entry	Signature of officer directing entry to be made	Date of passing Patwári examination with copy of details entered in Pass Certificate	Note officiating or other appointments held by candidate from time to time after date of entry of his name	Final result, i e, substantive appointment or cancellation of entry, with dates thereof.	Signature of officer by whose order the previous column is finally filled up.

CHAPTER II.

Duties of the Patwaris (Sections 28, 46, and 155 (1 *d*), Land Revenue Act).

Patwári to report calamities of season, &c.

19. On the occurrence within his circle of any calamity involving serious injury to the land, the crops, the cattle, or the agriculturists, the Patwári shall despatch a report in writing both to the Tahsíldár and to the Field Kánúngo, to whom he is subordinate.

The calamities referred to in this rule are chiefly as follows:—Hail, locusts, fire, flood, epidemic disease of man or beast, drought, and failure of water-supply in irrigated land.

Matters to be brought to notice by Patwari when his circle is inspected.

20. When the circle of a Patwári is visited by the Kánúngo, Tahsíldár, Náib-Tahsíldár, or other revenue-officer, the Patwári shall obtain the visiting officer's signature to his diary, and shall give these officers all the assistance necessary to the proper discharge of their duties.

In particular the Patwári shall, when visited by the Kánúngo or other superior revenue-officer, bring to his notice—

(*i*) all matters of recent occurrence referred to in the previous rule ;

(*ii*) any alluvion or diluvion that may have occurred, with approximate areas thereof ;

(*iii*) cases in which the Government is specially concerned, such as encroachment on Government lands, decease of pensioners or revenue assignees, cultivation of groves held free of revenue contrary to the condition of the grant, and progress of takávi works ;

(*iv*) emigration or immigration of cultivators.

Duties of Patwári.

21. The Patwári shall make any survey, field inspection, record of crops, revision of maps, or reports relating to mutations, partitions, revenue or rent, takávi, or other circumstances of his circle that he may be ordered to make by the revenue-officers, and shall comply with the rules concerning poppy cultivation (copy appended at the end of this book).* He shall also give such assistance as may be required of him by the Government rules for the relief of agricultural distress, or in elections under the District Boards Act.

Such orders shall ordinarily be issued through the Kánúngo, to whom he is subordinate.

Records to be maintained by Patwári.

22. The Patwári shall keep up in Urdu the following records for each estate in his circle :—

Khasra girdáwari, Jamabandi, } with abstract appendices and register relating thereto as prescribed in these rules.

* See Appendix E.

Register of mutations.

Field map.

Genealogical tree of landowners and other papers detailed in Chapters VII and VII A of these rules, and a diary of his whole circle.

Patwáris appointed before the year 1876 who are ignorant of Urdu may be permitted by the Collector to work in the Nágri character, on the condition that the more important papers filed in the tahsíl are written out in Urdu at the Patwári's expense.

Inspection of records of Patwari and grant of certified extracts.

23. The Patwári shall allow any one interested to inspect his records in his presence, and to take notes of the same in pencil in his presence, and he shall give to applicants certified extracts. He shall enter in his diary a note of such inspections and extracts. For each extract he may charge two annas per khatauni holding up to eight holdings, and for every holding in excess of eight half an anna. For each inspection there shall be a fixed charge of four annas.

Responsibility of Patwari as regards custody of maps, &c.

24. The Patwári shall be responsible for the safe custody and good condition of all the records, maps, and equipment of his circle that are in his charge.

Copies not required by rules not to be called for.

25. A Patwári shall not, under any circumstances, be called on for copies of his annual papers over and above those required of him in these rules.

Patwaris only to do work laid down in rules.

26. Nor shall he be employed ordinarily on any class of work or duties other than those indicated in these rules.* Collectors are enjoined to enforce this rule strictly and to refer general questions arising under it for the orders of the Financial Commissioner.

Assistance to be given in revenue collections.

27. When revenue collections are in progress, the Patwári shall furnish any information or explanation of accounts that may be required to facilitate the collections. But he shall not himself receive payments or take any part in the collection of the revenue.

He shall, if so required, assist the headmen in giving acknowledgments for payments, and furnish them with a proper memorandum* (*arzirsál*) when they proceed to the tahsíl to pay the revenue. He is forbidden to take any fees for the performance of the duties stated in this rule.

** 1. Village. 2. Amount. 3. On what account. 4. By whom tendered and by whom conveyed to the tahsíl.*

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* Patwáris may be called upon, under certain circumstances, to make maps to illustrate police enquiries (Circular 28, para. 19). As regards summoning of Patwáris by Civil Court, see Judicial Circular XIX. They are not to be called on to give opinion as to price in land acquisition cases (Circular 53, para. 1, rule XIII).

CHAPTER III.

The Roznamcha or Diary (Secs. 28 and 46, Land Revenue Act.

Diary of Patwári.

28. The Roznámcha is the book in which occurrences relating to the Patwári's duty and his circle are to be entered day by day.

Ditto.

29. Ordinarily there shall be one diary for each circle. But if a Patwári has one or more assistants, each will keep a separate diary, under such instructions for the division of business as the Collector may issue in each case.

Work book.

30. A work book* will be issued each year to the Patwári, in which he will enter from day to day the work done by him. Detailed instructions on the subject will be printed at the beginning of the work book.

Occurrences to be noted in diary.

31. The following occurrences shall be noted in the diary on the day on which they come to the Patwári's notice, *the manner in which they came to his knowledge* being stated, and the signature or seal of one of the village headmen concerned being added at the time of entry, if possible :—

(1) Any calamity of the nature described in Rule 19.

(2) All alluvion or diluvion, with approximate areas and details so far as known at the time.

(3) Falls of rain and their duration, and whether slight, medium, or heavy.

(4) The dates on which canals or rájbahás began or ceased to run, and on which there was any marked change in the supply of canal water.

(5) Deaths of cultivators, owners, village-officers, pensioners, or revenue assignees.

(6) The ejectment, absconding, or settling of cultivators or right-holders, and the relinquishment, change, or renewal of any tenure.

(7) Any enhancement or abatement of rent.

(8) Any patta, kabúliyat, or agreement for cultivation.

(9) The execution of any decree of Court affecting the land, its rent, or its produce.

(10) Takávi advances made by Government and repayments of the same; as also notes of the progress or completion of works for which takávi has been granted.

(11) Orders of revenue-officers or Kánúngos received by the Patwári or executed in the circle.

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* See Circular 28, para. 22.

(12) Attachment proceedings affecting the land, its cultivation, or its produce or cattle.

(13) Any encroachment on or damage to nazúl or Government property or roads.

(14) Any alienation or resumption of revenue by Government; and suspensions or remissions of revenue, and any alteration of the rate of cesses.

(15) The cultivation of land occupied by groves held free of revenue.

(16) Infringement or neglect of conditions attached to grants of land or revenue made by Government.

(17) The erection, destruction, or decay of survey marks, of village boundary marks, and the alteration of village boundaries.

(18) Payments of revenue to Government or to Government assignees, and payments of chaukidárs' wages.

(19) The visit of any Government official to the circle.

(20) Any fact relating to the land or its revenue or rent specially reported to the Patwári by a person interested therein, with a request that it be entered in his diary, or which the Patwári may think of importance.

32. The Patwári shall enter in this diary all orders and instructions communicated to him by the Kánúngo, and shall obtain the Kánúngo's signature to them. He shall also obtain the Kánúngo's signature to all entries relating to facts reported to the Kánúngo. *Orders to be entered in diary.*

33. The Patwári shall at the end of each Sambat month enter in his diary the general condition of the crops, husbandry, and cattle of his circle, noticing specially all facts which have affected them favorably or unfavorably. He shall make this entry with special care and after sufficient inquiry and inspection of the crops. *Condition of crops, &c., to be entered monthly.*

34. The Patwári shall prefix to every entry a separate serial number in large and clear figures. Every entry shall be closed by an asterisk, and no blank line shall be left between two consecutive entries. Such orders and instructions as relate to rules of practice shall be entered in red ink. The date of each day's entries shall be given according to the Sambat (solar) calendar, the English date being added. *Numbering and dating of entries.*

35 The diary of each year shall commence with the 16th Bhadhon (beginning of September) and close with the 15th Bhádhon following *Beginning and end of year for purposes of diary.*

Each year's diary shall be kept in a separate volume.*

* See also rule 83.

CHAPTER IV.

Of Field Instructions.*

(Sections 28 and 46, Land Revenue Act)

Each harvest to be separately observed. (Girdáwari).

36. The Patwári shall inspect the crops of each harvest, field by field, before they are cut or gathered. But he is forbidden to hinder on this account the harvest operations of any agriculturist.

Dates on which Girdáwaris should commence.

37. The date on which the inspection of each harvest† shall commence may be fixed for each district by the Commissioner as its special circumstances may require. But in the absence of any special order, inspection of each harvest shall commence as follows :—

Kharíf .	. 1st October.
Rabi	1st March. ‡

And if extra crops, such as melons and tobacco, are grown, which cannot be observed in March, the Patwári shall make an inspection of these immediately after the 15th April.

Form of inspection book or Khasra Girdáwari.

38. The results of this inspection will be recorded in an inspection book, referred to in these rules as the Khasra Girdáwari, a form of which, with instructions for its preparation, is appended. In riverain chaks under fluctuating assessment, and elsewhere if considered desirable for special reasons, a new Khasra Girdáwari may, if necessary, be prepared each year. But ordinarily the Khasra Girdáwari will contain columns for four years' crops. In working over the fields the Patwári will carry in his hand, not his fair copy of the field map, but a rough tracing thereof on cloth.

Matters to be observed and recorded.

39. The object of these harvest inspections is three-fold :—

(*i*) To obtain an accurate account of the harvest.

(*ii*) To ascertain the changes which have occurred in rights, rents, and possession.

(*iii*) To ascertain the amendments necessary in the field map.

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*For rules regarding attendance of Patwáris at measurements o areas under canal irrigated crops, see Circular 53, paras. 23—27.

† For special rules regarding field inspections in tracts under fluctuating assessment, see Circular 28, para 37.

‡ Officers presiding in Civil Courts are not to summon Patwáris (except in cases of great urgency) between 22nd September and 7th November and 22nd February and 7th April (Judicial Circular XIX, para. 2).

The crops will be entered, as the inspection proceeds, in the column provided for the purpose. The changes in rights, rents, and possession will be noted in the column of remarks. And where the boundaries or areas of a field have changed in such a manner as to require a correction of the field map the patwárí will make a rough measurement, sufficient for the crop entries and current year's *jamabandi, and put a red cross in the column of* remarks for the year against the field, in order to show that a correction of the field map is required.

40. As soon as the field inspection of a harvest is finished in any village, the patwárí will complete the crop abstract (jinswár) before commencing work in a second village. When the field kánúngo has seen the abstract and signed it as correct, the patwárí will enter a copy in his jinswár register * and despatch the abstract to the office kánúngo of the tahsíl. Forms and instructions for these returns are appended, and may be modified for each district as experience may show to be necessary, subject to the approval of the Financial Commissioner. Crop abstracts and their record and despatch.

41 On the completion of the Kharíf Jinswár of his circle, the Patwárí will draw out the bách and mutation papers of the circle as directed in Chapter V of these rules, and then, under the orders of the field kánúngo, will undertake any amendments of the field map or re-measurements that may be necessary. † This will be the ordinary course; but in riverain chaks it may be necessary to amend the survey before preparing the bách and mutation papers Duties following the kharif girdawari

42. On the completion of the Rabi Girdáwaris, the patwárí will similarly first make any corrections that may be required in the bách papers, then complete the mutation lists, and afterwards draw up the jamabandi of the year. Duties following the rabi girdawaris

43 The returns of the kharíf crops should reach the tahsíl by the 1st November, those of the rabi by the 1st April, and those of the extra rabi by the 1st June. ‡ Date of filing Jinswar return

44 In field inspection registers there shall be a red ink entry (without number) for every pakka survey mark or tri-junction pillar, following the survey field in which the mark is placed, or which it adjoins. And in his field inspections the patwárí shall ascertain that the mark exists and is in good repair Survey marks and tri junction pillars

* See rule 65

† See Chapter VIII

‡ An additional ten days for filing crop returns may, if necessary, be allowed to patwárís of circles containing canal irrigation (Circular 53, para. 25)

KHASRA GIRDAWARI, OR HARVEST INSPECTION BOOK.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
					KHARIF St 1941 RABI St 1942.			KHARIF St. 1942. RABI St. 1943.			KHARIF St. 1943 RABI St. 1944			KHARIF St. 1944' RABI St. 1945		
Khasra No.	Taraf, patti, or well.	Owner and cultivator, written short, with jamabandi No	Area.	Class of land according to last detailed jamabandi *	Kharif crop.	Rabi crop	Changes of rights, possession and rent	Kharif crop	Rabi crop.	Changes of rights, possession, and rent	Kharif crop	Rabi crop	Changes of rights, possession and rent.	Kharif crop.	Rabi crop.	Changes of rights, possession, and rent.

1 The fields will usually be entered in the order of the field khasra Where fields are clubbed, or for other reason, any convenient abbreviation may be used

2 [illegible] which is assigned

3 [illegible] rigated, add the [illegible] to that class; for [illegible] whether the well [illegible]

4 [illegible] the next harvest or is occupied by trees or plants which will fruit in the coming harvest, enter the field as "*taraddud*" Such entries will be required, for instance, against fields of indigo, cotton, or cane in the rabi harvest, and in the kharif harvest against fruit trees which fruit in the rabi

5 If the field was before cultivated, but bears no crop in the current harvest, and if it does not fall under paragraph 4, enter it as khali, if for four *harvests* successively nothing is produced and fruit trees are not growing on it, enter it at the fourth harvest as banjar jadid; when it has [illegible]

[illegible] opium and garden produce, [illegible] s column The areas should [illegible] unnecessarily. They should [illegible] r because part of a field is [illegible] ion can be shown in the "change" column thus ... . { A. Owner .. 2 bighás / B Cultivator .. 1 bigha }. Similarly when part is cultivated and part uncultivated, the entry in the harvest column can be { Kháli ... 1 bigha / Wheat ... 2 bighás } ; or { Ghair mumkin .. 1 bigha / Wheat .. .. 2 bighás } And the chain should not be used for such temporary measurements; they should be ascertained by stepping or by rough estimate, as may be suitable to the case and to local circumstances

9. Enter the crops by the name prescribed in the jinswár abstract. If a crop is mixed, and there is no separate column for it in the abstract, enter the area of each crop by estimate. If the crop is irrigated, write this after the name of the crop

10 *Kharába*.—When a crop is sown and dries up or is destroyed by calamity, it should be [illegible]

page was done.

* See Circular 28, para. 36.

JINSWAR, OR RETURN OF CROPS OF THE__________ HARVEST, Sr. 19 __________

[*N B —All fractions omitted Write in figures, not in rakms*]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Description of cultivation *	Crops harvested										Total crops harvested	Area of crops failed	Total area sown	Deduct area that has borne two crops this harvest	Balance Correct area cropped	Area of taraddúdi and kháli	Total cultivation.	Remarks on character of harvest, and especially reasons for the *khará-ba* entries, and detail of crops that failed Also enter total assessment of harvest (reckoned from the entry in column 2 of Jama wásil báki) and its incidence on total area of crops harvested (column 12).
Cháhi — Cháhi																		
Cháhi — Báráni																		
Cháhi — Sailab																		
Cháhi Nahri																		
Nahri — Nahri																		
Nahri — Báráni																		
Nahri — Sailáb																		
Abi																		
Sailáb																		
Báráni																		
Total																		

Column 1 —These details in each village will be as required by the circumstances of the village

List of Crops —For every district a list of crops of each harvest will be prepared, and printed jinswars, filled up accordingly, will be supplied to the patwáris The patwári will also note under each crop the price (in sérs per rupee) at which it is selling at the time of the girdáwari

Patwári's Jinswar Registers —The patwári will keep for each village a register of each harvest in the same form as the jinswár statements, adding before column 1 a column for the year There will be separate registers for the kharif and rabi crops And every jinswár return will be copied year by year in its appropriate register before despatch These registers, though written up separately, should be bound in one volume In the extra rabi register columns 15 to 18 will be blank.

Column 15 —This does not relate to mixed crops but to cases in which one crop has followed another in the same season

Column 19, *Remarks* —Great importance is attached to the proper filling up of this column, and kánúngos are required to check carefully the entries made in it Officers visiting the village during or soon after the girdawari are requested to enter remarks here.

* See Circular 28, para 31 A

Note.—See also paras 2—5 of Director of Land Records' No 872, dated 13th June 1890, in Appendix B.

CHAPTER V.

MUTATION LISTS, PARCHAS, BACH-PAPERS, AND ORDER OF COURT. (*Sections 28, 36 and 46, L. R. Act.*)

Register of mutations. 45. The patwari shall keep a register of mutations* for each village in form appended. All mutations of rights of ownership or occupancy, † including voluntary partitions (Section 34, Land Revenue Act, Punjab), shall be entered by l
are acted on. Cases
lease for a period
transfers or relinquisl
be entered in this register. The patwári will not enter in this register any contract, decree, or other acquisition of right before it is acted on

Entry of mortgages and changes of tenants. 46 Collateral mortgages shall not be entered in this register But all other mortgages and sub-mortgages, whether contracted for long or short periods, and whether by deed or oral agreement, will be entered, if the possession of the mortgaged land or the enjoyment of its produce or rent is affected thereby; redemptions of such mortgages will also be entered. Changes of tenants without right of occupancy and who did not hold on a written lease need not be entered unless they are disputed

Copies of entries to be posted in the village 47. ‡ Whenever the patwári makes an entry in this register, he shall, within seven days, post a complete copy of the entry at some public place in the village ordinarily resorted to by the agriculturists concerned and customarily used for such a purpose, noteing in his diary that he has done this. And these postings shall not be removed till a revenue officer has passed orders on the mutation. Revenue officers are required to satisfy themselves that this rule is duly acted up to.

Treatment of attested and unattested mutations in jamabandi. 48. No mutation of rights will be incorporated into the jamabandi until a revenue officer has recorded his order against it in the register of mutations. The jamabandi entries concerning holdings in which mutations have occurred, but on which no orders have been passed, will be continued unaltered; such mutations being indicated by a brief note in the last column of the jamabandi, stating the facts which are believed to have occurred, but that the mutation has not been attested. §

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* The numbering of the entries made in the register of mutations will be continuous for the term of settlement. A new register will only be opened when the old one has been finished (Director of Land Records' No 978 of 25th April 1889)

† As regards record of transfers of a portion of an undivided holding, see Circular 28, para 29

‡ See para 7 of Director of Land Record's Circular Letter No 6, dated 8th July 1891 in Appendix B

§ See para 6 of Director of Land Record's No 5, dated 15th April 1891, in Appendix B

49. A copy of all entries in the register of mutations which have been attested by a revenue officer during the year shall be attached to the jamabandi when it is filed at the close of the year. This copy shall be written up at each revenue officer's visit and each entry in it shall be signed by him after comparison with the original. Copy of attested entries to be filed with jamabandi.

50. The patwári shall keep a register, in form annexed, showing the yearly totals of transfers entered in his mutation register, and shall attach a copy of the totals for the year to the copy of the jamabandi which he gives to the kánúngo. Register of yearly totals of transfers.

51. When the jamabandi of the year has been filed, the patwári shall give to the lambardár of each village in his circle a list of the fees due on mutations attested during the past year, and of the persons from whom each fee is due.* Realization of mutation fees

The lambardár shall pay the amount of the said fees to the Tahsíldár with the first kharíf instalment next succeeding, less any share due by the current rules to the patwári. But no such deduction shall be allowed by the Tahsíldár unless the patwári's receipt for the same amount is given up.

52. The Hon'ble the Lieutenant-Governor is pleased to direct that the following scale of fees shall be levied for every entry relating to the acquisition of any right † in an estate made in an annual record under sub-section (5) of Section 34 of the said Act, or relating to the acquisition of any interest in land other than that of a tenant-at-will holding on an annual lease made in the said record under Section 35, viz.— Scale of mutation fees

Notification No. 69, dated 9th November 1891.

(a) when the entry is made in consequence of the acquisition of a right or interest transferred by a registered deed or by a decree or order of a Court, a fee of one anna only shall be charged.

In other cases—

(b) when the entry is made in consequence of the acquisition of a right or interest by inheritance, ‡ a fee reckoned at the rate of Rs. 1-4 per cent on the revenue assessed, provided that the minimum charge shall not be less than 4 annas.

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* See also Circular 29, para. 14.

† As to levy of fees on mutations in respect of assignments of land revenue, which are not recorded in the mutation register, see Circular 28, para. 28.

‡ A separate mutation fee should be levied for each of the new holdings created by a partition (Circular 28, para. 30).

No fee is chargeable for mutations due to corrections of mistakes made by the offic[illegible] charged with the preparation of previous records (Director of Land Records' No. 6, dated 8th [illegible] ber 1896.

Yearly Totals of Transfers of Rights of Owners and Hereditary Tenants.

[N. B.—All fractions omitted. And entries should be made in figures, not in rakms]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
Year	Nature of rights transferred.	A.—Partitions.					B.—Transfers by inheritance				J.—Gifts and exchanges				D.—Mortgages with possession, including temporary transfers for debt by order of Court					H.—Redemptions of Mortgage					W.—Sales and permanent transfers for value.					Z.—Other transfers.				
		Holdings		Area partitioned				Area transferred				Area transferred				Area transferred					Area redeemed					Area transferred					Area transferred			
		Old.	New.	Total.	Of which cultivated.	Revenue or rent.	Cases	Total.	Of which cultivated	Revenue or rent	Number of transactions	Total.	Of which cultivated.	Revenue or rent	Number of transactions	Total	Of which cultivated	Revenue or rent	Mortgage money in rupees	Number of transfers	Total	Of which cultivated	Revenue or rent	Mortgage money discharged	Number of transactions	Total.	Of which cultivated	Revenue or rent	Price in rupees	Number of transactions	Total	Of which cultivated	Revenue, rent or consideration of transfer.	Remarks
Kharif 1911 Rabi 1912	1. Superior ownership																																	
	2. Ownership																																	
	3 Right of occupancy,																																	
Kharif 1912 Rabi 1913	1 Superior ownership,																																	
	2. Ownership																																	
	3. Right of occupancy																																	

NOTE.—In irrigated villages columns 6, 10, 14, 18, 23, 28 and 33 should shew how much of the land entered is irrigated In columns 7, 11, 15, 19, 24, 29 and 34 there will be entered against transfers of superior ownership the seigniorage dues, against transfers of ownership, the revenue, and against transfers of right of occupancy, *the rent payable*

No. transactions will be included in this statement which have not been attested. If the attestation of mutations is much in arrears, note this under the head "*Remarks*" in column 35.

Column 2.—*Superior Ownership* includes talukdari right ownership includes *adna milkiat*.

A memorandum should be added in column 31 in following form, showing how many of the transfers under heads D. and W. were (I) by order of Court or (II) to new agriculturists :—

1	2	3	4	5	6	7
	Description of transfer.	Number of transactions.	Area.		Revenue or rent.	Consideration money
			Total transferred	Of which cultivated		
I —To new agriculturists …	D —Mortgages W —Sales .					
II --By order of Court ..	D —Mortgages W.—Sales					

[illegible] neither in their own [illegible] land or as hereditary [illegible] need be made on the [illegible] ." If a new agricul- [illegible] both heads I and II.

CHAPTER VI.

Of the Jamabandi.

(Sections 28—33 and 46, L. R. Act)

57. The jamabandi* shall be in form annexed, with such additions as the Financial Commissioner may approve for each district. And there shall be a separate jamabandi for each estate. Form of Jamabandi.

JAMABANDI.

1	2	3	4	5	6	7	8	9	10	11	12
Khewat or Jamabandi No	Khatauni No	Name of Patti or Taraf, with name of Lambardar and Revenue	Owner, with description	Cultivator, with description	Field numbers	Area	Rent paid by cultivator, rate and amount	Share or measure of right and rule of bachh	Demand, with detail of revenue and cesses.	Balance of revenue, if any, not paid at end of year	Remarks.

[illegible] follow [illegible] irrigation.

* For special rules applicable to tracts under fluctuating assessment.—See Circular No 28, para. 37.

Columns 6 and 7.—As far as possible, enter the fields in groups by soils,* with total of each soil and total of holding. When a detailed jamabandi is prepared under Rule 61, or when a mutation of rights has occurred, the entries in these columns must be written in full† without abbreviation. On all other occasions the entries may be abbreviated as convenience may suggest; [and in particular it will suffice to enter the total number of fields in the holding in column 6 and the total area with soil details in column 7‡.]

Column 8.—Where rent is paid by a share of produce, enter the share only. If by a lump sum, this should be stated. Otherwise enter both rate and amount of rent. Where part of a holding pays at one rate and part at another, see that areas and details are sufficiently stated, so also where cash rents (zabti) are paid on crops.

[illegible]

very careful to note this.

GENERAL INSTRUCTIONS.

If there are two classes of owners, superior and inferior, a column to show the superior owners can be added between columns 2 and 3

A tenant holding land under one owner, partly in occupancy right and partly at will, may be shown as one holding; the land held under each tenure, and if necessary their rent, being separately detailed.

After each patti or taraf give the land owned in common by the owners of the patti. The land owned in common by the whole village should be entered last

Where a khewat holding is cultivated partly by owners and partly by tenants, enter the owner's cultivation first, then that of occupancy tenants, then that of tenants-at-will

Total the entries of each patti and of the whole village

[illegible] fact and the names, [illegible] Do not collect all the [illegible] which, with refer- [illegible]

All land owned by Government should be entered in one place after the village common *All land permanently appropriated for public purposes since the date of the last settlement* should be entered thus—

(1) In the column of ownership, Sarkár.

(2) In the occupier's column, the name of the Department which has charge of the land, *e g*, Deputy Commissioner, Canal Department, Executive Engineer

(3) In lieu of soil entries, state the purpose to which the land is applied, *e g*, encamping-ground, sarai, canal, rájbaha, bungalow, &c.

Concerning *land occupied by Government at the date of last settlement which Government still holds*, the entries of the last settlement in the column of ownership will be repeated unaltered. The columns of occupancy and description of land will be filled up as above directed.

If the land is occupied only temporarily, as, for instance, the approach to a ferry, the names of the owners and hereditary tenants will usually be continued, and separate numbers need not be made, and Government possession can be described in the column of remarks.

Where the ghumáo measure is in use, enter the areas of holdings in kanáls and marlás only. Do not reckon out ghumáos except in the village totals §

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* See Circular 28, paras 33—35.

† When a special revision of a record of rights takes place (Section 32 (2) of Act XVII of 1887) a column will also be provided to show the old survey number. (Circular 28, para. 51 A)

‡ Words in brackets added by Circular 28, para. 31.

§ The following instructions have been added (Circular 28, para. 29) —

A sharer in an undivided holding can sell or mortgage the whole or part of his share; and mutations of this nature can be recorded in column 4 of the sanction in the mutation register.

But if he sells or mortgages certain fields when the holding is still joint, effect cannot be given to the mutation in column 4. When such a mutation is entered in the register of mutations, the revenue-officer, who attests it, should direct that it be shown in column 5 a brief description of the reason of the transferee's occupancy being added.

58. It shall be prepared in duplicate by the patwári after the rabi girdáwari, and shall show how the land was held during the past kharif and rabi harvests, and all payments of rents and revenue up to 15th Bhádon (end of August). Period to which Jamabandi relates.

59. The patwári shall give one copy of the jamabandi of his circle to the office kánúngo of the tahsil not later than the 7th September* and shall retain the other copy Date of filing Jamabandi.

60. The patwári shall keep up for each estate two registers in forms† attached hereto, showing by consecutive entries therein for each year— Village Registers (Note Books)

(i) the area details of the estate ;

(ii) the demands, collections, and balances on account of revenue and cesses.

The entries in these registers shall be written up from the jamabandi of the year, and copies of them shall be appended to the copy of the jamabandi that is delivered to the office kánúngo

* In the case of canal irrigated circles they should be filed 15 days earlier if possible (Circular 53, para 25)

† See Rule 65

MILAN RAKBA, OR YEARLY REGISTER OF AREA.

(*N B — All fractions omitted   Write in figures, not in ralms*)

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			UNCULTIVATED OTHER THAN FORESTS.			CULTIVATION					WELLS IRRIGATING LAND				
				Available for cultivation.											
YEAR	Total area.	Forests	Not available for cultivation.	Unappropriated Government waste.	Other.	Detail.	Total cultivated area.	Area included in previous column which bore no crop this year.	Balance cropped	*Total area of crops* by jinswár return	New wells and old wells which have been made fit for use *during the* year	Fallen in or become otherwise unfit for use during the year.	Total fit for use	Kacha wells, dhenklis, and jhalárs in use during the year.	REMARKS.
Kharif, '41 } Rabi, 1842 }						Cháhi. Cháhi-Nahri Nahri Abi Sailáb Báráni. Total									

Column 3 — *Forests* mean Reserved or Protected Forests administered under the Indian Forest Act, 1878, or under any Forest Law, also any other land specially devoted to the growth of trees under the management of Government or any Board or Committee. It does not include mere grazing rakhs.

Column 4 — *Not available for cultivation* (*ghair mumkin*) means land absolutely barren, also roads, canals, tanks beds of rivers, and torrents and ravines, sites of villages and houses, and all land devoted to uses alien to agriculture.

Columns 5 and 6 — *Available for cultivation* (*mumkin*) — All culturable land not actually cultivated, and all grazing and other land not included in columns 3, 4 and 8, will be returned under these columns. In column 5 no land will be entered which is owned by a village community, or which is held by a lessee under a cultivating lease or under other permanent tenure.

Column 7.—These details in each village will be as required by the circumstances of the village. The entries here printed are intended chiefly as examples.

Column 8 will not include banjar jadid, but will include cultivated land classed in the girdawari as *khali* and *taraddudi*. (Areas will be taken from the detailed jamabandi unless *there are special reasons for altering them, as, for example,* diluvion or acquisition of land by Government.*

Column 9 —This will be ascertained from the girdawari khasra by exception, and should include land which, though sown, bore no crop at all.

Column 10 will be the area of column 8, minus column 9. (Do not attempt to check the result by comparison with the entries in column 16 of the jinswár return†).

Column 11 will be ascertained from column 12 of the jinswár abstracts.

Columns 12 and 13 —Note in column 16 the names and owners of the wells entered in this column.

Column 14 —Show in this column separately wells actually used during the year, and wells not actually used, but fit for use.

Column 16 —When the patwári draws out this statement, he should explain here any considerable difference between the new entries and those of the previous year. And he will especially note any important occurrences of the year such as new canal irrigation, the construction of a railway or important road through the village, the clearing of jungle, the draining of a swamp, the settlement of a new hamlet, or any calamity which affected the village. Field kánungos will see that these instructions are sufficiently attended to.

* Words in brackets added (Circular 28, para. 36).
† Ditto ditto.

REVENUE ACCOUNT, OR JAMA WASIL BAKI.

[*N.B.—All fractions omitted Write in figures, not in rakms*]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
			Balance to be collected			Cesses.		Arrears of Kharif demand		Arrears of Rabi demand			Balances due at end of year.		
Year	Total assessment	Deduct revenue not collected, being assessed on lands muáf to the owners	Khalsa	Payable to jagirdars and muafidars and máandars	Total	Due to the Treasury	Date to village officers	Amount not paid by due date	Amounts and dates of subsequent payments	Amount not paid by due date	Amount and dates of subsequent payments	Paid during the year on account of previous years	On account of previous years	On account of this year	Remarks

Column 3.—All revenue remitted to owners in respect of their own lands on account of muáfis, chahárams, &c , will be entered here.

Column 5 —Detail the sums included in this column under the heads jágir, muáfi, and inám And if Zaildárs' or Ala Lambardárs' fees are paid out of revenue, they should be entered here

Columns 7 and 8—Enter the total cesses falling under each head, and under the total detail the amount of each cess Both Local Rate and Patwári Cess should be entered

Columns 9 to 15—Balances —Under each entry give details showing how much of the balance is due on account of cesses, and how much on account of revenue, and whether Khálsa or assigned

No column is provided for the entry of payments made within the dates fixed for the instalments It will be assumed that all sums not shown as arrears were paid by the proper dates

CHAPTER VII.

QUADRENNIAL RETURNS (*Sections* 28—36 AND 46, L. R. ACT).

Division of circles for purposes of preparation of detailed jamabandis, &c.

61. For the purposes of this chapter it is not necessary to divide every patwári's circle into four parts. A circle may consist of one, two, or three villages which cannot conveniently be so divided. A table should be given to each field kánúngo, showing the arrangements approved for the purposes of this chapter for each circle in his charge, this table being so arranged that the work of each year shall cover about a fourth of the kánúngo's whole circle.

Detailed jamabandi

62. In the year when the quadrennial returns of a village are prepared, the jamabandi should contain every field entry in full. This will be known hereafter as the detailed jamabandi. A copy of the field map corrected to date will always be annexed to the detailed jamabandi. In other years any convenient abbreviations may be allowed with the following exceptions, that is to say:

Every entry of a new tenancy or relating to a mutation of rights which has occurred or been attested during the year shall be entered in full without any abbreviation. Jamabandis in which abbreviations are employed will be called abbreviated jamabandis. Great attention should be paid to the preparation of the detailed jamabandis, and efforts should be made to render them as complete and accurate as a Settlement record.

Quadrennial returns.

63. The following returns will be compiled for every village when a detailed jamabandi is prepared :—

(1) List of revenue assignments and pensions.

(2) Abstract of ownership, mortgages, and revenue assignments.

(3) Abstract of cultivating occupancy.

(4) Abstract of prevailing rents.

(5) Return of cattle, carts, &c.

These statements will be in the forms annexed. The list of revenue assignments will be attached to the jamabandi and be kept with it. The other returns will be dealt with as directed below.

Duty of field kánúngo in connection with quadrennial returns.

64. The field kánúngo will carefully supervise and assist the patwáris in preparing these statements, as they are of a somewhat difficult character, and he will be considered personally responsible for their preparation and correct-

ness; and they will be signed by him as well as by the patwari. The field kanúngo will explain in the column of remarks any important difference between the old and new returns.

65. The patwári will keep for each village a register* in the same form as the statements of owneryhip, occupancy, rent, and cattle, and the statements when forwarded to the tahsil shall bear an endorsement by the patwári stating that he has retained a copy of them in his register. Village registers

66. There will be kept in the tahsíl registers in the same form as the statements of ownership, occupancy, rent, and cattle; and the village statements when received from the patwári shall be copied into these registers, the entries of each return being written under those of the previous one Copies of village registers kept in tahsil.

67 After being copied in these registers, the original statements should be treated as directed in rule 97. Treatment of returns prepared under rule 63.

List of Revenue Assignments and Pensions.

1	2	3	4	5	6	7	8	9	10	11	12	13
		IF LAND IS ASSIGNED, DETAILS THEREOF, i.e.										
			Area of land assigned									
Serial No.	Name and description of assignee	Jamabandi No of holding	Cultivated	Uncultivated	Total	Revenue assessed	Amount of revenue assigned	If only cash revenue is assigned without specification of lands, state in this column the amount so assigned	Amount of nazrana due annually from assignee	Cash pension per annum paid from the treasury	Conditions of each grant	REMARKS

Enter the assignments in four groups and total each group separately viz —

A – Lands of which the revenue is assigned in whole or part to the owners thereof

[illegible]

each portion

of all kinds should be entered, whether civil or military

Columns 4—7 —Abbreviate the entries as much as possible

Column 13 —State whether the nazrana due from an assignee has been paid

Finally explain at the foot of the return any difference between it and the previous return, and see that the total of columns 8 and 9 agrees with columns 3 and 5 of the jama wasil báki.

* Compare rules 40, 60 and 119. For full instructions as to maintenance of village note-books, see Circular 63, para. 11.

ABSTRACT OF OWNERSHIP, MORTGAGES, AND REVENUE ASSIGNMENTS OF MAUZA.______

[*Omit fractions of areas and of rupees, and write in figures, not in rakms.*]

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
PART I.—TENURE AND OWNERSHIP.							PART II.—TOTAL AREA HELD UNDER MORTGAGES, NOT INCLUDING COLLATERAL MORTGAGES, BUT INCLUDING TEMPORARY TRANSFERS BY ORDER OF COURT					PART III.—REVENUE ASSIGNMENTS							
				Area.					*Area*						*Revenue.*				
Description of tenure.	Detail of main tribes	Number of jamabandi holdings	Number of owners and shareholders	Total	Of which cultivated	Revenue assessment.	Detail.	Number of mortgages	Total	Of which cultivated	Revenue assessment of mortgaged land	Detail	Number of assignees	Area of which the revenue is assigned, in whole or in part	Total assessment of lands assigned	Amount thereof assigned	Amount of land revenue assigned, not by apportionment of land, but by cash allotment out of the total assessment	*Nazrána* annually paid by assignees	REMARKS.
							By old agriculturists					1 *In perpetuity*, free of conditions .							
							By new agriculturists					2 Do., subject to conditions							
												3 *For life or lives* ..							
												4 At pleasure of Government							
												5. Up to the time of settlement*							
Total village							Total					Total							

Column 1.—Tenure will be described either as (1) Zamîndári, (2) Pattidari, (3) Bhaiachará, (4) by lease from Government without grant of ownership.
Column 2.—Enter only the two or three principal tribes, and return the rest as miscellaneous.
Columns 2 to 7.—In villages where there are talukdárs and ala maliks, the entries in these columns will not take account of them, but only of the maliks and adna maliks. (Add in column 20 a note of the ala malkiat No. of such owners and tribe and area to which their rights extend).
Column 7.—This should agree with column 2 of the jama wasil baki.
Column 8.—For definition of new and old agriculturists see statement of yearly totals of transfers.
Column 13.—Grants for service and on condition of maintaining institutions will be entered under head "2."
Columns 16 *and* 17 will agree with corresponding entries under Parts A. and B. of the statement of revenue assignments (columns 7 and 8 thereof).
Column 18 will agree with Part C. of the same statement.
Column 19 will agree with column 10 of the same statement.
* Heads 1 and 5 added (Circular 28, para 39).

ABSTRACT OF CULTIVATING OCCUPANCY OF MAUZA ————

[Omit fractions, and write in figures, not in rakms.]

	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
					AREA C			D BY TENANTS ENT				DETAIL OF RENTS AND AREA ON WHICH PAID BY TENANTS AT WILL											
					With rig occupar				thout right occupancy				Rents in kind							Cash rents			
Year.	Detail	Total cultivated area	Area cultivated by owners	Area cultivated by tenants free of rent or at nominal rent	Paying at revenue rates with or without malikána	Paying other cash rents			Paying other cash rents	Paying in kind with or without an addition in cash	Total held by tenants paying rent	Detail	Zabti rents	$\frac{1}{2}$ produce or more.	$\frac{2}{5}$ and less than $\frac{1}{2}$.	$\frac{1}{3}$ and less than $\frac{2}{5}$	Less than $\frac{1}{3}$	By fixed amount of produce	Total area under rents in kind	Total paying at revenue rates with or without malikána	Total paying other cash rents	Total cash rents paid on area entered in column 22	REMARKS.
	Holdings ..											Irrigated											
	Area .											Unirrigated											

1 Zabti rents should be reckoned in this return as rents in kind.
2. The total of the areas entered in columns 14 to 22 should agree with the total of the areas entered in columns 9 to 11.

Abstract showing prevailing rents by classes of land held by non-occupancy-tenants in Mauza ———

1	2	3	4	5	6	7
			Kind rents, share of produce.			
Year for which prepared.	Class of Land.	Cash rents per bigha or kanal.	Per cent. of total produce paid to kamins before division of crop	Share of grain taken by owner.	Share of straw taken by owner.	Remarks.
	Irrigated by wells only .					
	Irrigated by wells and canals .					
	Irrigated by canal only ..					
	Alluvial land ..					
	Land dependent on rain .					

1 If cash items are paid in addition to kind rents, note this in column 7; also note any zabti rates on crops which are customarily paid.

2 Do not enter in column 3 rents reckoned at revenue rates with or without málikána, as these are not competition rents

3 [illegible] of land dependent on rain into " t[illegible]

4 [illegible] ıld not be entered in this [illegible]

RETURN OF CATTLE, CARTS, &c, IN MAUZA ———

[*Write in figures, not in rakms.*]

1	2	3	4	5	6	7	8	9	10	11	12
Year for which prepared.	Cows and bullocks of all ages.	Buffaloes, bull and cow, of all ages	Horses and ponies.	Mules.	Donkeys.	Sheep.	Goats.	Camels.	Carts	Ploughs.	Boats

CHAPTER VIII.

RE-MEASUREMENTS AND OTHER NEW RECORDS (*Sections* 28 *and* 46, *L. R. Act.*)

68. The following definition of a survey number is given for guidance in making new surveys or corrections thereof :— Definition of a survey number.

(*i*) In all survey work each parcel of land lying in one spot, in the occupation of one person, or of several persons holding jointly, and held under one title, should ordinarily be measured as a separate survey number ; but large areas may be broken up into convenient fields.

(*ii*) A survey number may have part of its area cultivated ; and part uncultivated ; or part irrigated and part not irrigated ; or part of one soil and part of another. Survey numbers should not be multiplied merely on grounds of this kind, unless it is convenient to do so.*

(*iii*) [illegible]

simple state of cultivation there is usually no necessity to treat each ridge, made for convenience of cultivation, as a separate field boundary.

(*iv*) But in the case of valuable lands cultivated by tenants who are frequently changed, especial care should be taken that the measurements are made so as to show the boundaries of the parcels in which the land is usually held for cultivation or irrigation. In such lands the survey numbers will necessarily be smaller than elsewhere.

(*v*) In places where land is of little value, if an occupancy tenant has extended his field by ploughing out, and there is no boundary between the new and old land, nor other plain evidence, such as payment of a different rent, by which the new land can be separated from the old land, the patwári shall survey the whole in one number. In such a case it is not his duty to distinguish between old and new land.

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* As regards survey numbers in canal-irrigated villages, See Circular 29, para 54

(*vi*) Field names, if locally used, should be written under the survey number.

(*vii*) In short, every care should be taken to make the survey simple, but not to omit details convenient for the annual girdáwari and jamabandi. It should be borne in mind that every unnecessary entry increases unnecessarily the patwári's annual work.

(*viii*) Where the boundary of a survey number is known, but is not marked on the ground owing to rich cultivation or sandy soil, the boundary should be delineated on the map by broken lines.

(*ix*) Where there is a large area of undivided waste, it may be cut up into survey numbers corresponding with the limits of the survey squares.

Complete re-measurement.

69. When the complete re-measurement of a village has been directed by the Collector, it will be carried out in accordance with the following instructions.*

Preparation of khataunis and shajra nasb.

70. Before commencing the field measurements† of any village it is essential that correct and complete khatáunís should be drawn up. If the previous annual papers have been properly prepared, and the jamabandi is correct to date, this is little trouble. If it is not correct, then all mutations of rights omitted from the jamabandi must be entered up in the list of mutations of the current year. The khatáunís will then agree with the jamabandi *so corrected, plus changes in tenants-at-will.* And to make sure that the khatáunís are correct and complete, there will be drawn up at the same time a shajra nasb of the owners. The procedure will therefore be as follows:—The kánúngo or patwári, having collected the owners in the village, will put the last jamabandi before him, and draw up a genealogical tree of the owners; or if there is one in the previous records, correct that to date. In doing this he will compare the genealogical tree and the jamabandi, holding by holding, and will explain the entries to the owners The comparison of the two papers will bring to light all omissions from the jamabandi connected with the descent of the owners; and omissions from the jamabandi due to transfers, partitions, changes of tenants, and other like causes, will be pointed out by the owners. Forms of shajra nasb, khatáuni, index, and list of totals, with necessary instructions, are appended.

Parchis to be given to zamindars.

71. When the khatáunís are ready, the patwári will give to each agriculturist a copy of the khatáunís relating

† See Circular 28, para. 30 A.

* See also "Manual of Land Measurement for Patwárís," (App. C)

to him. These copies are known as *parchás*. Of mortgaged holdings a parcha will be given both to mortgager and mortgagee, but not to collateral mortgagees. In holdings in which there are several sharers it is generally sufficient to give a parcha to one sharer, but if another sharer asks for a copy, it should be given to him also. Of tenants' holdings one copy should be given to the tenant and the other to the owner.

72. The shajra nasb and khatáunís having been completed, and the parchás having been distributed to the zamíndárs, the patwári will commence measurement work. For instructions concerning the field book see end of this chapter. Field book.

73. Every evening the patwári will inform the village headman what fields will be measured on the day following, and the village headman will at once inform the owners and cultivators concerned, and direct them to attend the patwári the following morning. Attendance of owners and cultivators at measurements.

74. The headmen of the village will supply for the field work two chainmen, who will be paid by the landowners. Chainmen.

75. The Patwári's procedure at field measurements will be as follows, and he is enjoined to observe this procedure strictly :— Procedure at field measurements.

(1) He should have with him during his field measurements the former shajra, his copy of the last detailed jamabandi (with alluvion and diluvion papers, if any), also the new shajra nasb and register of mutations. These papers and the papers in hand are the only papers that the patwári should take with him in his daily measurement work.

(2) As each field is measured delineate it in pencil on the shajra, work out the area, inform the owner and cultivator of the result, consider their objections, if any, and then write up the khatáuni and zamindár's parcha. Then go on to measure the next number. If an owner or tenant is absent when a field is measured, the patwári will make a mark × in the remark column of the khatáuni, and write over the mark the letter M or K to indicate whether the absentee is the owner or cultivator, and will sign his name under the mark. If the absentee arrives afterwards, a place will be left in his parcha for the field measured in his absence, and those measured in his presence will

be filled in below. But the patwári will not fill into any parcha fields measured in the absence of the parcha-holder, nor return to those fields in order to explain the entries. It is the kánúngo's work to do this.

(3) At the commencement and end of every day's work the patwári should—

(*a*) test the chain;

(*b*) check the entries of *number silik* (former field No.),*

(*c*) compare the area entries of the field book and khatáuni.

The fields will be inked into the shajra, week by week after the kánungo has tested them, *viz.*, field numbers in red ink, and all other entries in black ink. †

Correction of annual papers. 76. (*a*) The patwári will be very careful in respect of making entries of rights different from the last jamabandi, but it is his duty to bring all doubts and disputes to notice. If an entry of rights made in the annual papers is doubtful or disputed, he should enter the case in the register of mutations, and the revenue officer at his next visit will decide the case. The field kánúngo can in the meantime make an entry in accordance with possession so far as he can ascertain it.

(*b*.) In cases of petty dispute as to the position of a boundary, if there is a permanent boundary, measure according to the boundary; if there is not, then measure according to the former papers.

No enquiry to be made into rights of tenants. 77. There will be no inquiry into the rights of tenants. Every tenant will be entered with the same description as in the last annual papers. But if any entry on this subject in the annual papers does not agree with the entry in the last record of rights, and there is no authority for the change, the case must be entered in the register of mutations. Such cases will be disposed of by the revenue officer.

Statement of Rights in Wells. 78. As the field measurements proceed, the patwári will prepare the Statement of Rights in Wells in form appended. This statement should not be prepared before the measurements.

Comparison of field book, khatauni, and parchas. 79. When the field measurement of a village has been finished, the patwári will again compare the field book with the khatáuni, and the khatauni with the zamindár's parcha. If he finds any mistakes, he will make a list of them for correction by the kánúngo. The patwári will then total the list of khatáuni holdings.

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* [illegible] ld as well as the new field [illegible]

† [illegible] r to make them useful to [illegible]

80. The field book will be retained by the patwári. The field map and khatáunís and Statement of Rights in Wells will be filed with the jamabandi of the year, the patwári retaining a copy of the map for his own use. When a village has been remeasured, a new khasra girdáwari will necessarily be drawn up and used with effect from next kharif. Record to be filed with jamabandi.

81. When a village has been remeasured in the manner above provided, the field map should not be altered, nor should new area calculations be made except for sufficient necessity. Field map no to be altered except for sufficient necessity.

82. When making amendments of the field map, if it is necessary to re-number a field, the previous entry in the field book or Settlement khasra relating to that field shall be scored out and a new entry shall be made. Amendments of field numbers

Examples.—(1). If field No 24 has been sub-divided into two, and the last number of the field register is 150, entry No 24 will be scored through, and the field will be entered in the field book as $\frac{151}{24}$ and $\frac{152}{24}$ *

(2.) If the patwári then finds that fields Nos. 31 and 32 have been joined into one field, he will score through the former entries and enter the land in the field book as $\frac{153}{31 \& 32}$.

In each case opposite the old entry the new number will be noted.

83. In special cases where the revenue-officer thinks it necessary, he may, subject to approval by the Collector, order that an amended copy of the genealogical tree of owners complete to date (but not extending further back than four generations) shall be filed with the jamabandi of any year No general statements nor entries of area and revenue need be made at the foot of these amended copies But all new entries added will be made in red ink, and a brief remark showing the cause for each will be written under it And below the name of each owner still alive and holding land will be entered the jamabandi numbers of his holdings Mortgages will not be entered The new entries shall be attested by the field kánúngo, and he shall sign the paper in evidence thereof. Amendment of genealogical trees

The patwári shall retain a copy of all such genealogical trees.

* See paras. 2 to 5 of Director of Land Records' No 2039, dated 20th December 1890, Appendix B

Canal irrigation statements.

84. If canal irrigation is newly extended to the village, a statement describing the new irrigation and how the water is distributed shall be appended to the next jamabandi. All such statements shall be carefully attested by the revenue officer, and, as far as possible, be signed by the principal persons interested And the patwári shall retain a copy with his copy of the jamabandi.

Alluvion and diluvion work

85. The patwári will retain copies of all alluvion and diluvion papers prepared by him; and, as regards such work, will be guided by the instructions in force in each district.

Lists required at time of assessment.

86 When the land revenue of an estate is being assessed, the patwari will, when required by the Collector, prepare lists of rents, mortgages, and sales in the forms appended to this chapter

A.—SHAJRA NASB, OR GENEALOGICAL TREE OF OWNERS.

Statement of Proprietory Tenure of Village

Pargana (or Tahsil) , *District* .

Statement of the proprietors		Detail of coparcenary shares abstracted from the khewat.				Genealogical tree of proprietors.	
Concerning the previous history of the village.	Concerning the constitution of the main divisions of the village	Revenue	Area of holding	Share or measure of right	Reference to Khatáuni holdings.	Names and Descent	Tribe.
					1	A—	
					2	B—	
					3	C—	
					4	D— Y—	
					Total of *Taraf*		
					5	.. E— —X	
					6	...F—	
					7	. .G—	
					Total of *Taraf*	Z—	
					8	.H—	
					9	I—	
					10	K—	
					Total of *Taraf*		
					11	Village common	
					Total of Village		

1 The Shajra Nasb should be drawn on one continuous sheet, not on separate leaves—on strong paper, similar to that used for the khasra girdawari For strength, one inch slips of thin cloth should be pasted on the back of the folds

2 *Share or measure of right*—The share or measure of right entered should be that which governs the relation of the holding to the whole village or taraf and according to which the khewat is made. In a bhaiachára village the entry will be "possession" If shares prevail, they should be described by the term current among the owners, artificial symbols not so current should never be used All employés and officers will take great care that the shares are not complicated artificially

3 [illegible]

These two columns should not be filled up until the end of measurements. Give the totals of each patti or taraf, and if a patti or taraf has common land, enter it before those totals The khatáuni number should be entered in pencil when the Shajra Nasb is first drawn up, and be inked in at the end of measurements at the revenue officer's final attestation

4. [illegible] occurred since it was prepared

5. The kaifiats concerning each patti or taraf, and concerning the whole village should be written briefly, and doubtful tales should be excluded The statement of the proprietors concerning the previous history of the village should be arranged under the following heads .—

(a) Origin of rights and primary division of the land ,

(b) The foundation of the village, and how named ,

(c) Method of collection of the revenue under former Governments and under British rule.

6 The names of persons who have left no male issue, and of widows and daughters, should not be entered, except for some special reason Under the names of agnates still living, but not in possession, should be entered the words "Out of possession" and a brief note of where they now live. Mortgagees' names will not be entered

7 In cases in which a father and son both own land in separate holdings, enter the son's name in the genealogical tree in red ink

8. If an owner has lost his land (whether by sale or by diluvion), but he claims a share in the shámilát, note this under his name in the genealogical tree, but no such holding will be shown in the khatauni or jamabandi

9 If property is divided by wells, add a column showing the "*name of well*" before the "Area" column

10. An owner by purchase should be entered on the left of the sub-division (taraf or patti) in which he has purchased , a note should be added below his name, showing from whom he has purchased , and if the purchaser has no share in the shámilát, this should be stated

B.—KHATAUNI OR HOLDING SLIP.

*Tahsil*________ *Mauza*________ { *Taraf or Patti* } ________

Last Jamabandi No.	*Owner*
New Khatáuni No.	
No. in Register of Mutations	*Tenant*

1		2	3	4	5
No. and name of field.		Name of well or other source of irrigation	Area and class of land and total of holding.	Rent.	Remarks
Former.	New.				

1. This form will be printed on one-eight of a sheet, that is to say, on paper size 10" × 6¼" It will be printed on one side only. If necessary, the Patwári can continue the entries on the other

side. Lines will be printed across columns 1—3 for the separate entry of each field. The whole will be sewed together at top, like a *bahi*, the alphabetical index being added A leather patta will also be added to protect the paper of the same sort as is used to protect *bahis* One leaf will usually be sufficient for each holding

2 The khatáuni numbers will be entered in ink before measurements are commenced. There is no real reason why an accurate list of the holdings should not be made If by chance one or two holdings are subsequently discovered, these can be added in their place by sub numbers When the Tahsíldár attests the village finally after close of measurements, the series of numbers can be corrected once for all

3 The names and shares of owners * and cultivators should be entered with great care and after careful attestation If names and shares have already been entered in one holding in full detail, and in a subsequent holding it is desired to incorporate the same entry by reference, this may be done, for example, *Sham Singh and others, as in holding No (3) three* But the number of the holding must be entered in such cases in figures and in words, and care should be taken that short entries referring to different holdings are not made in nearly identical terms Also the reference should always be to the khatáuni number, the measurer has nothing to do with jamabandi numbers

4 Enter shares in the plainest terms, just as the patwári enters them in his ordinary annual papers, for example—

A and B in even shares

D. and F half, and G and H in even shares, half

Several persons (stated by name) in the following shares —

K and L in even shares, half, M, N and others, half, on 3 shares,

M and N	O P & R
2 shares	1 share

[illegible]
[illegible]
[illegible]
[illegible]
substitute for these terms more elaborate descriptions And those forms of expression should be preferred which will be most conveniently transcribed in the annual papers It is not at all necessary to describe all the shares of a holding by the same denominator, they should be put down just as the zamíndárs tell them off

5 As regards sales and mortgages with possession they should be shown in every case with the detail directed in chapter V of these Rules

6 Mortgages without possession will be entered only under the circumstances and with the details directed in chapter V of these Rules

7 If a hereditary tenant has sold or mortgaged his holding and the transfer has been acted on, it will be entered in the register of mutations and incorporated in the khatauni, subject to any order of Court that may be produced concerning a transfer of this nature

8 Enter very carefully the rents paid by tenants If the rent is a share of the produce, note any payments made from the whole heap before the produce is divided If the rent is cash, it should be so described as to show whether the rent is a lump charge on the holding or a rate per bigha, or whether the rent is per harvest or per crop, or per annum or by appraisement

9 Ordinarily no entry relating to trees will be made But the patwari should enquire whether any trees are owned by other than the owner or cultivator and in cases in which trees are owned by persons who do not hold the land, the patwari will enter the facts in the column of remarks in the khatáuni

10 If the revenue of a khatáuni is muáf, note the fact and the name of the muáfidár briefly in red ink in the column of remarks

11 Do not collect all the muafi khatás at the end Let each kháta come in the place to which, with reference to the ownership it properly belongs

12 *Land appropriated for public purposes*—All land permanently appropriated for public purposes should be entered in the khatannis as directed in Chapter VI of these Rules for the jamabandi

Mutations expressed by these entries need not be entered in the register of mutations

* As regards entry of names of absentee right holders, see Circular 2- para. 27 A.

13 *Village roads* through irrigated lands or through highly cultivated land, or wherever these roads have distinct boundaries, should be measured according to their existing bounds If any road has no distinct bounds, it should be entered as three kadams wide But where the position of a way shifts with the cultivation of each year, it should be indicated in the map with a red line, and a note [illegible] thus ' *The way to village* [illegible] l is in any case recorded very [illegible] probable, the road should be [illegible] nue officer. Perhaps in some cases the revenue officer may be able to prevent inconvenience of this kind But usually the fixed boundaries of village roads cannot be altered

14 The following soils * will be recorded in the khatáunís —

(i)—*Ghair mumkin, banjar kadim and banjar jadid* as directed for the crop girdáwari and milán rakba

(ii)—*Chahi* is all land irrigated regularly from a well (whether the well is pakka or kacha and whether the water be lifted by bucket wheel, or *dhenkli*) Some land is thus irrigated every harvest, other land every year, and some land once in two years Whatever land gets water regularly should be shown as chahi The actual area of crops irrigated will not appear from the measurement papers but from the crop girdáwari papers

(iii) —*Nahri* is land watered by a canal The limits of this land will be defined in the same way as those of chahi land

(iv) —*Abi* is land watered from tanks, jhils, river branches and springs, and not falling under the heads of chahi or nahri. The limits of this land will be defined in the same way as those of chahi land

(v) —*Sailáb* is land usually flooded in the rains by large rivers or their branches

(vi) —*Báráni* is all cultivation not included in above classes.

The Collector can direct that other soil distinctions be recorded if he considers this necessary.

It should be added that there is some land near rivers, or canals, or jhils which is always moist. This also should be entered as sailáb if of any considerable amount or importance But small areas of this kind may be recorded as baráni Fruit-bearing gardens will be reckoned as cultivated land, and their areas will be classed under the above heads according as they are irrigated or not Groves of other trees will be classed as banjár kadim

15 It is not necessary to enter a name for every field along with its number If fields are known by names, the names should be entered But where fields are not commonly known by distinct names no names of fields need be entered.

16 The village site should be measured in one number, † together with the small plots attached in which cattle are penned, manure is stored, and straw is stacked, and other waste attached to the village site The entry in the column of ownership and occupancy will be simply "*abadi deh*"

17. The number of fields will be as few as possible. It is not usually necessary to make separate numbers on account of difference of soil and irrigation or rent: such differences can be [illegible] cultivated and part [illegible] ne, but this is not [illegible] between former and [illegible] attention may not [illegible] hat he owns jointly with others, except in course of partition, such land must be measured as a separate number.

18 [illegible]

the larger field into two

* See Circular 28 paras. 32—35.
† See also Circular 51, para. 3 (1)
‡ See however Circular 28, para 54.

C.—ALPHABETICAL INDEX TO BE PREFIXED TO KHATAUNI.

Letter	Owners.		Hereditary Tenants		Tenants-at-will	
	Name	Khatauni No	Name	Khatauni No	Name.	Khatauni No.

D.—LIST OF KHATAUNI TOTALS.

1	2	3					
		Give in these columns the details of areas and wells required for the Milan Rakba.					
Khatáuni No	How many fields						Total

Column 3 – It should be borne in mind that this classification and that given in the Milán Rakba (*see* end of Chapter VI) must agree

E.—STATEMENT OF RIGHTS IN WELLS.

1	2	3	4	5	6	7	8	9	10	11
				Depth in feet						
Serial No of well	No in map	Khatáuni No	Name of well	To water	Of water	Whether single or double, pakka or kacha, in use or *out of use*	Whether at work at last Settlement, or made subsequently, and in the latter case, in what year it be gun to be used	Name and parentage and tribe of owners, with shares in ownership of well.	Name and parentage and tribe of persons who use the well, with share of water enjoyed by each	Remarks

(1) Ordinary drinking wells need not be entered in this statement; but care is needed that wells which are likely to be used for agriculture are not omitted.

(2) Draw a red circle round the name of every well made since last Settlement.

(3) In column No 11 enter for each well—

(a) History of well and when built or repaired, and when the present rights in it were acquired.

(b) Method of working the well, with other irrigation arrangements now in force.

(c) Mode of distributing the revenue.

(d) Particulars of exemption from irrigated rates, if any *

F.—FIELD BOOK.

No of field †	No of Khatáuni	Area calculation.

1. The field book will be a blank book of the same size as the Khatáuni and will be prepared as directed in the mensuration manual. Also in order to make it easy to refer from the field map to the Jamabandi, write a list on the margin of each sheet of the field map thus —

No of field	No of Khatáuni in which entered.

G.—LIST OF RENTS.

1	2	3	4	5	6	7	8
No. in this list.	Khatáuni No	Names of owner and tenant written short.	Lands with detail of soil.	Rent, with rate and amount	Date when rent was fixed.	Crops grown.	REMARKS.

1. The tenants should be entered in this list in seven groups, viz —

(a). Tenants with right of occupancy paying at revenue rates, with or without málikána

(b). Tenants without right of occupancy paying at revenue rates, with or without málikána.

(c). Tenants with right of occupancy paying cash rents, whether by lump sums or by bigha rents

* See Circular 30, paras 40—41

† See note to rule 75.

(d). Tenants without right of occupancy paying cash rents, whether by lump sums or by bigha rents.

(h) Tenants with right of occupancy paying by a share of the produce or by appraisement, or by cash rates (*zabti*) on crops

(w). Tenants without right of occupancy paying by a share of the produce or by appraisement, or by cash rates (*zabti*) on crops

(z) Mortgaged land on which the mortgagor has agreed to cash rents to the mortgagee

2 Enter cash rents with care, so as to make it clear whether the rent is paid on the crop, or per harvest, or per annum

3. So also, as regards grain rents take care to show any deductions allowed before the owner's share is divided, and any cesses taken by the owner in addition to his share, and whether the owner takes a share of the straw.

4 In column 4 do not detail the fields, only enter the land of each holding with detail of soils.

H.—LIST OF MORTGAGES WITH POSSESSION NOW EXISTING.

Serial No.	Khatáuni No.	Mortgagor and mortgagee written short	Land with detail of soil	Amount of mortgage debt.	Date of mortgage	REMARKS

Enter the mortgages in three groups—

(a) Mortgages to agriculturists of the village

(b) Mortgages to agriculturists of other villages

(c) Mortgages to money lenders.

If a money-lender has purchased land and has so become one of the village-owners, he should nevertheless be *reckoned as a money-lender, not as an agriculturist*

No list of collateral mortgages will be drawn up

J —LIST OF SALES SINCE LAST SETTLEMENT

(Form and arrangement same as above prescribed for list of mortgages)

CHAPTER IX.

RELATING TO THE SUPPLY OF SURVEY EQUIPMENT, STATIONERY, AND FORMS REQUIRED BY PATWARIS AND IN RESPECT OF THE PERIOD FOR WHICH EACH RECORD SHALL BE KEPT BEFORE IT IS DESTROYED (*Sections 28 and 46, Land Revenue Act.*)

Forms to be supplied to Patwari yearly.

87. When the Patwári comes to the tahsil to file his jamabandis, he shall be supplied by the office kánúngo with the following forms* for the ensuing year :—

Abstract Statements ...	Kharif Jinswár Rabi do Extra Rabi do Yearly totals of mutations, Area Statement Revenue account	One copy of each for each estate in the patwári circle, plus 1 of each to spare
Abstract Statements of ownership, occupancy, rent and, cattle, and lists of revenue assignments	Two copies for every village for which these returns are to be prepared during the year.	

Diary.—One volume per Patwári or Assistant Patwári.

Register of mutations Jamabandi Harvest Inspection Statements	As many forms as are required for for the circle
Mapping paper Khatáunis Statement of rights in wells Field book Blank paper	According to annual requirements

Leaves of diary to be numbered.

88. The leaves of each diary volume shall be numbered by the patwári, and the total number of leaves be certified in his writing under the office kánúngo's signature before the patwári takes it away from the tahsil. The tahsil seal shall also be stamped on each page of the diary.

Register of forms supplied to Patwaris.

89. [illegible]

[illegible]

circle on which the first entry shall be the estimated annual [illegible] of the circle; and below this shall be entered [illegible]

Recovery of cost of forms.

[illegible]

the value of these issues shall then be charged to the patwári cess or recovered from the patwári's next issue of pay, as the current district orders sanctioned by the Financial

* See Circular 28, paras 63, 66—72

Commissioner may require. In the latter case the Tahsildár will give a written order to the patwári stating the sum thus to be deducted from his pay and the portion thereof to be recovered from each village; and the patwári will recover according to this order from the lambardárs of his villages, noting the recoveries in his diary.

91. A patwári who, for any reason, requires to renew his supply during the year, can apply for whatever he requires to the office kánúngo when attending at the tahsil for his pay. But all such additional supplies will be at the cost of the patwári himself, their value being deducted from his next issue of pay, and he will not recover such deductions. Extra forms may be supplied to patwari at his own expense.

92. Survey equipment,* as per margin, will be supplied to each patwári, the cost thereof being met as may be directed for each district in the orders issued by the Financial Commissioner under rule 3. Survey equipment.

1 Chain with 10 iron pins
1 Cross staff
12 or 15 bamboo flag staves
1 Plotting scale
1 Board *2½ × 2 feet

NOTE.—In hill circles a plane table and sighting rod will be supplied in place of the board.

93. Every patwári will provide at his own expense a [illegible] the harvest [illegible] or the jama- [illegible] be used to protect the papers actually in use by the patwári, and will never be sent into the tahsil office. Covers for jamabandis, &c.

94. Patwáris will also provide, at their own expense, pens, pencils, red and black ink,† paper for occasional reports, and such like petty items. Petty items of stationery.

95. When a patwári brings the jamabandís of his circle to the tahsil each year at the end of August or beginning of September, he shall bring with him all khasra girdawarís, abbreviated jamabandís, and diaries of the circle that are more than 12 years old. Destruction of khasra girdawari, &c., after 12 years.

These old papers shall be at once destroyed by the office kánúngo.

96. The remainder of the records kept by the patwári, (viz.)— Records to be preserved permanently by patwari.

(i) Copies of Settlement records;
(ii) Mutation registers;
(iii) Detailed jamabandis, and the maps, statements of irrigation and customs, and genealogical trees and lists of revenue assignments, appended thereto.

* See Circular 28, paras 55—62 and for field kánúngo's equipment Circular 29, para 9.

† See Circular 28, para. 70.

(*iv*) Field maps and field books ;

(*v*) Abstract registers of crops, mutations, area, revenue, ownership, occupancy, rent, and cattle ; shall be preserved permanently by the patwári.

Treatment of records filed yearly by Patwári.

97. The records filed by the patwári in the tahsíl from year to year shall be treated in the following way:—

(1) *Abstract Statements.**—To be destroyed one year after date; the office kánúngo being responsible that they have first been copied into his registers.

* *viz.* —
Crop abstracts
Yearly totals of mutations
Area statement
Revenue account

(2) *Mutation lists, jamabandís, field maps and khatáunis, and genealogical tables, and statements of irrigation and customs, and lists of revenue assignments.*—Whenever a detailed jamabandi of an estate is filed, that jamabandi and all previous jamabandís with all maps and papers attached shall be sent to the district office in the month of January next following.

Records to be preserved permanently in the district office.

98. The district office will preserve permanently—

(*i*) Records of expired settlements ;

(*ii*) Mutation registers ;

(*iii*) Detailed jamabandís and the maps, statements of irrigation and customs, and genealogical trees and lists of revenue assignments appended thereto.

(*iv*) Khatáunís and abbreviated jamabandís will be destroyed 12 years after the date when they were filed by the patwári.

Patwári's papers not to be bound

99. Patwári's papers which, under these rules, have to be filed in Government offices should not be bound in boards.*

CHAPTER X.

OF THE APPOINTMENT, PAYMENT, CONTROL, AND REMOVAL OF KANUNGOS (*Section* 28, *L. R. Act*).

Grades of kánúngos.

100. There will be three classes of kánúngos in each district—

(*i*) The field kánúngos, each of whom will have charge of about 20 patwári circles.

* See paras. 2, 3 and 5 of Director of Land Records' No 11 of 4th April 1890, and his No 205, dated 3rd February 1891.

(*ii*) The office kánúngo, of whom there will usually be one to each tahsíl, and one working as an assistant under the sadr kánúngo;

(*iii*) The district kánúngo.

The establishment of each district will be fixed by the Local Government.

101. Kánúngoships will not in future be hereditary posts. Kánúngoships not hereditary.

102 (1) A kánúngo shall on first appointment receive a salary of Rs. 20 per mensem. Pay and allowances of kanungos.

(2) When he has served for one year, and has obtained a certificate of efficiency from the Director of Land Records, he shall receive a salary of Rs. 25 per mensem

(3) In each district one-fourth of the kánungos will be allowed a salary of Rs. 30 per mensem at the discretion of the Collector.

(4) For purposes of the above salaries, the field and office kánúngos of each district will be reckoned as belonging to one list.

(5). In addition to the above salaries, a field kánúngo, who has drawn a salary of Rs 25 for one year, and holds a certificate of efficiency* from the Director of Land Records may be awarded by the Collector a field allowance, which will not count as salary.

(6). In each district the number of field allowances thus awarded shall not exceed half the number of field kanungos; and of these allowances half will be at the rate of Rs 5 per month, and half at the rate of Rs. 10 per month.

(7). Field allowance will be payable half-yearly, *viz.*, in July for the six months ending 30th June, and in January for the six months ending 31st December And they will be awarded at the end of each half-year to those field kánúngos who have, in the Collector's opinion, best deserved them by good and reliable work.

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* See Circular 29, para. 2

(8). No kánúngo is entitled to travelling allowance for journeys in the district to which he is attached, journeys by rail under the orders of the Collector excepted.

(9). Every field kánúngo will receive from Government a stationery allowance of 8 annas per mensem. This will be distributed half-yearly at the same time as the field allowances.

Kanungos of a certain standing eligible as Naib-Tahsildar candidates

103. In order further to increase the value of the kánúngo service

(i) A district kánúngo, whether holding that appointment permanently or officiating, shall be eligible for admission to the Náib-Tahsíldár's examination, and on passing he may be selected as a candidate for the post of Náib-Tahsíldar

(ii) A kánúngo who has served Government for 5 years, including 2 years' approved service as a field kánúngo, may be selected as a candidate for the post of Náib-Tahsíldár.

Method of appointing field kanungos

104. (i) Vacancies in the post of field kánúngo, whether permanent or temporary, shall, with the exceptions noted below, be filled up in each district by the Collector from the register of accepted candidates for that post. This register shall be kept up in English in in the same form as that prescribed at the end of Chapter I. And the following rules shall be observed in entering candidates' names in this register and in making appointments from the names so entered.

(ii) The majority of the accepted candidates shall, if possible, be patwáris.* No patwári's name shall be entered in the register unless he has three years' approved service, and is a first or second grade patwári. And if reduced to a lower grade, his name shall be struck off the register.

(iii) The Collector may enter in the register a limited number of men who, being below the age of 25, have passed the Entrance Examination,* provided that such candidates, before appointment as kánúngo, shall first qualify by at least two years' service as a patwári or as an apprentice learning the work of a patwári.

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* See Circular 29, para. 1.

(iv) Any person who has passed the Tahsíldár's or Náib-Tahsíldár's examination may be appointed to the post of field kánúngo at the discretion of the Collector.

(v) At least two vacancies out of every three shall be given to accepted candidates who are patwáris. And, if necessary, in order to maintain the observance of this rule, vacancies may be given to the accepted candidates of other districts.

(vi) Patwáris may be appointed to the post of field kanungo up to the age of 35; but not ordinarily above that age.*

105. Office kánúngos shall be appointed by selection from the older field kánúngos. Method of appointing office kánungos.

106. District kánúngos shall be appointed by selection from the office and field kánúngos. Collectors are enjoined to appoint to this post only men of distinct superiority in ability, education, experience, and physical activity, and to consult the Director of Land Records before making any appointment to this post.† Method of appointing district kánungos.

107. The Director of Land Records will bring to the notice of the Commissioner of division any case in which he considers a newly appointed district kánúngo is wanting in the requirements indicated by preceding clause. Director of Land Records to report appointment of unqualified district kánungos

108. No kánúngo shall be granted a certificate of efficiency‡ by the Director of Land Records, unless in addition to the main qualifications of his office, he can read and write English numerals with efficiency and accuracy. *Knowledge of English numerals.*

109. No one shall hold the appointment of district or field kánúngo unless he is able to ride and move about actively. Riding and personal activity.

110. (i) In filling up all appointments on the kánúngo establishment, the Collector shall consider the circumstances of the vacancy and of the circle, tahsil, or district in which it has occurred. No particular class of men shall be allowed to absorb too many kánúngoships in the same tahsil or district. Men whose relations are engaged in money- Other points to be considered in appointing kanungos.

* See also Circular 29, paras. 6 and 7.
† See Circular 29, para 11.
‡ See Circular 29, para. 2

(vi) Abstract of cultivating occupancy;
(vii) Rents;
(viii) Cattle.

These registers* shall be kept in the same form as those kept by the patwaris.

(b) The office kánúngo shall also maintain any other registers † especially prescribed or made over to him by order of the Financial Commissioner.

(c) The office kánúngo shall also be responsible for—

(i) The custody of all patwári and assessment records filed in the tahsil;

(ii) The custody of blank forms and their issue to the patwaris;

(iii) The accounts of the patwári cess of the tahsil, both income and disbursement, ‡ and those of the kanúngo's establishment;

(iv) The accounts of mutation fees;

(v) The supply of any information required by the Deputy Commissioner or Tahsildár respecting entries in records in his charge;

(vi) Bringing to the immediate notice of the Tahsildar reports of calamities submitted by patwaris in order to their being forwarded to the Deputy Commissioner.

Returns showing progress of patwaris' work to be prepared by office kanungo.

120. Office kánúngos shall submit to the Tahsildár, in such forms and on such dates as may be prescribed, periodical returns showing agricultural data and the progress of the various branches of the work of the kánúngos and patwáris. And the Tahsildár shall be responsible that such returns are forwarded to the Collector in due order and correctness and by due date.

Diary of office kanungo.

121. Office kánúngos shall also keep a diary and submit copies of it in the same manner as prescribed for field kánúngos. §

CHAPTER XII.

DUTIES OF FIELD KANUNGOS (*Sections 28 and 46, L. R. Act.*)

Duties of field kanungo.

122. A field kánúngo is responsible for the conduct and the work of the patwáris in his charge; and it is his duty to report bad work, or neglect of duty, or misconduct on the part of any patwári for the orders of the revenue-officer, to whom he is subordinate.

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* See Circular 28, para 12
† See Circular 63, para 9
‡ See Director of Land Records' No 1593, dated 29th June 1888, in Appendix B.
§ Office kánúngos have charge of the raingauge at the tahsil, (Circular 2, para 2,
They usually represent Government in suits under Section 15 of the Land Revenue Act (Circular 45, para 6).

123. During the time the patwáris of his charge are [illegible] — Duties of field [illegible]

[illegible]

the field kánúngo's whole attention shall be given to the supervision of that work.

124. The field kánúngo will attest, by personal examination of the papers concerned, every entry made by the patwári in his register of mutations; noting briefly that he has done so (with date) in the last column of the register under the patwári's report. He is responsible for seeing that all these entries are accurate and completed prior to the revenue-officer's attestation thereof. * — Responsibility in connection with mutation work.

125. At other times of the year he will visit each patwári's circle once in the month, and supervise the timely and accurate completion of the jamabandís and the statements † which accompany them. — Field kánúngo to visit each patwári's circle monthly.

126. The jamabandís having been filed at the end of August, the field kánúngos will spend September at tahsil head-quarters checking them. The checking of the jamabandi will be principally directed to two points— — Field kánúngo go to check jamabandís at tahsil.

(i) that the mutations attested by the revenue officer have been properly incorporated;

(ii) that the abstracts filed with the jamabandi are correct.

The kánúngo who examines a jamabandi shall write upon it a report that he has done so, adding a list of any alterations made. Such alterations will be in red ink, and shall be signed by him; and a copy of this list shall be taken by the pátwari when he next comes to the tahsil for his pay.

Patwáris shall not be detained at the tahsíl while this check work is going on. Any inquiries that are necessary should also, as far as may be convenient, be reserved for the same occasion, or be made by the field kánúngo on his return to the circle.

If errors are numerous and important, they should be brought before the Tahsildár for his orders.

Field kánúngos shall not be detained at the tahsil for office checking later than the end of September; and, if the state of the harvest so requires, they should be dismissed sooner.

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* Compare para 4 of instructions appended to form of register of mutations.

† See also rule 61.

Assistance to be given by field kánúngo to office kánúngo in writing up his registers.

127. When harvest inspection and alluvion and diluvion work is not going on in a field kánúngo's charge, the Tahsíldár is authorized to retain each field kánúngo for three days each month at the tahsil when he comes to receive his pay, in order that he may assist the office kánúngo in writing up so much of the office kánúngo's registers as relate to the field kánúngo's charge. A Tahsíldár will be called strictly to account if a field kánúngo is detained at the tahsil under this rule in order to work at any other registers than those of his own villages.

Diary of field kánúngo.

128. Every field kánúngo shall keep a diary,* in which he will state day by day the manner in which he has been employed. The entry for each day shall be made not later than the following morning. A copy of the diary for the previous half month shall be posted by the field kánúngo to the Tahsíldár on the 1st and 16th of each month; and will be forwarded by the Tahsíldár to the district kánúngo. Each half month's diary will close with an abstract of the half month's work in such form as may be prescribed from time to time.

Field kánúngo to report certain matters to Tahsíldár.

129. Whenever a field kánúngo visits a patwári's circle, he shall carefully read the entries in the patwári's diary made since last visit; and make inquiries on the matters noted in paras. 19 and 20 of these rules; and he shall report to the Tahsíldár any of these matters which are important or require his orders.

Register of work of patwárís

130. There shall also be kept up by the field kánúngo a register, in form annexed, showing the character of each patwári's work. The field kánúngo will send this register to every Tahsíldár or other revenue officer who enters his circle for inspection duty; and that officer will before leaving the kánúngo's circle enter briefly the result of his inspection against each patwári inspected, and return the register to the field kánúngo. The attendance of the field kánúngo is not necessary.

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* See Circular 29, paras. 10 and 11

REGISTER OF PATWARIS TO BE KEPT BY FIELD KANUNGOS.

[*N B*—There will be 6 pages for each patwári's circle On pages 1 and 3 of each circle will be entered by the field kánúngo data of each year's ordinary work, and on pages 2 and 4 will be entered remarks by superior officers. Pages 5 and 6 will show the quadrennial return work of the year Six pages are required instead of 3, in order that the register may last about 12 or 15 years. A patwári may be allowed to take copies of the entries relating to his own work, if he so desires.]

Form of pages 1 *and* 3.

1	2	3	4	5	6	7	8	9	10
Agricultural year	Patwári's name and date of appointment	Date by which kharif crop statements were filed	Date of completion of annual báchh papers	Date of completion of alluvion and diluvion papers	Date by which rabi crop statements were filed.	Date by which extra rabi statement was filed	Date of filing jamabandis.	Reports or complaints against patwári during year.	Result and final order by whom given.

Form of pages 2 *and* 4.

11	12
Dates of visits of superior officers, including district kánúngo	Brief remarks of superior officers showing character of patwári's work in each year. *N B*—Entries should be very brief.

Form of page 5

QUADRENNIAL RETURNS AND SURVEY.

1	2	3	4	5	6	7	8	9	10
Agricultural year	Village measured.				Date of commencement of work by patwári.	Date of completion of work by patwári.	Date of completion of attestation by kánúngo.	Date of attestation by Tahsildár or Náib Tahsildár.	Remarks, stating particulars and area of any other petty survey work necessitated by alluvion or diluvion or other special cause.
	Name.	Holdings	Fields.	Area.					

(Page 6 will be the same as page 5.)

CHAPTER XIII

Duties of the District Kanungo (*Sections* 28 *and* 40, *L. R. Act*).

Duties of district kánúngo.

131. The district kánúngo will receive in the Collector's office all returns and records due from tahsíl offices relating to the work of kánúngos and patwáris, submitting them to the Collector (or Assistant Collector in charge of the Department) for his orders. And he shall issue all orders passed in connection with this work.

Registers maintained by district kánúngo

132. He shall keep for each assessment circle, for each tahsíl, and for the total district, registers * in the same forms as those prescribed for office kánúngos at tahsils, any other registers † specially prescribed or made over to him by order of the Financial Commissioner, and also all statistical returns furnished to the Collector by the kánúngo and patwári agency.

Register of patwaris, circles.

133. He shall also keep up a register of the patwári circles of each tahsil in form annexed.

Tours of district kánungo.

134. From the 1st of October to the 30th April he shall be on tour not less than 15 days in each month. And during the remaining months of the year he shall inspect the registers of the office kánúngo of at least one tahsíl every month.

Inspection of work of patwáris and field kánúngos by district kánungo.

135. The district kánúngo's inspection of the patwári's papers when he is on tour, will be mainly directed to testing the work that the field kánúngos have tested. His tours shall be so arranged that he shall test the work of each field kánúngo at least once in the year. And for this purpose he shall spend not less than three days in each kánúngo's charge. It shall be the duty of the field kánúngo to accompany the district kánúngo during the inspection of his circle except when harvest inspection work is in progress.

Result of inspection to be recorded in field kánúngo's diary and in his own diary.

136. The results of each day's inspection shall be written by the district kánúngo in red ink in the diary of the field kánúngo whose charge is under inspection; and the entry shall be copied by the field kanúngo in the diary of the district kánúngo. Such entries shall always show the number of fields inspected, date of testing by field kánúngo, the number of these fields of which the entries were found right and the number of fields of which the entries [illegible] ...cter of the work. [illegible] general state of the work of the kánúngo's charge in progress at the time of his inspection, in respect of its forwardness or backwardness.

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* Compare Circular 63, para 8

† See Circular 63, para 6

137. Whenever the district kánúngo returns from tour, his diary shall be examined by the Collector or Assistant Collector in charge of the Department.

District kánúngo's diary to be submitted to Collector

138. The results of the district kánúngo's inspection of the records of an office kánúngo shall be reported to the Collector not later than the day following, the report being submitted through the Tahsíldár. Each tahsil office shall be inspected by the district kánúngo not less than once in the half-year ending September, and once in the half-year ending March.

Report of inspection of office kánungo's registers to be submitted to Collector.

139. The district kánúngo is responsible for the accounts of the patwárí cess; and he will bring to notice any delay in the payment of the patwárís at the intervals laid down in the orders passed for each district by the Financial Commissioner under Section 3 of the rules.

Accounts of patwári's cess kept by district kánungo.

DISTRICT KANUNGO'S REGISTER OF PATWARI CIRCLES OF TAHSIL———

Note—(1). The register will open with an index of the circles in alphabetical order, giving the page at which each will be found

(2) The Index will be followed by a page for each field kánúngo's charge, in the same form as the rest of the register, except that column 2 will be left blank, and in columns 3 to 9 will be entered the total figures of the charge, instead of the details of each patwári's circle

(3) Then will follow the entries for each patwári circle, a page for each circle; the circles being arranged in the same order as the district rent roll

(4). A copy of the register, the last column excepted, will be kept by the office kánúngo at the tahsil

(5). [illegible] 4—9 will be corrected [illegible] eceived, by drawing a [illegible] new data below the

1	2	3	4	5	6	7	8	9	10
			Detail of Villages included in Circle						
Name of Field Kánúngo's circle	[illegible]	[illegible] appointed.	[illegible]	Total area and cultivation	Total land revenue assessment.	Number of Khasra entries	Number of Khatáuni entries	Number of Jamabandi entries.	Special remarks on the character of the work.

[Note —Omit fractions, and write in figures, not in rakms.]

CHAPTER XIV.

General Instructions for the guidance of Tahsildars in supervising the Patwari and Kanungo agency and in attesting Village Records* (*Section 28, L. R. Act.*)

Division of tahsil for inspection work between Tahsildár and Náib-Tahsildár

140. For the purpose of inspection work and the attestation of mutations each tahsil shall be divided between the Tahsildár and Náib-Tahsildár. This division shall be made by the Collector in July each year, and shall hold good for the agricultural year following. And in order to maintain the Tahsildár's responsibility, the portion of the tahsil allotted to the Náib-Tahsildár shall be changed every year.

Inspection tours of Tahsildárs and Náib-Tahsildárs

141. Either the Tahsildár or the Náib-Tahsildár shall be in camp inspecting and attesting village records during the seven months, 1st October to 1st May.† Usually each of these officers will be in camp during this period by alternate half-months. All failures to work up to this rule should be noted and explained in the quarterly business returns. During the remaining five months these officers will spend so much time in camp as the Collector or Commissioner may require of them.

Responsibility of Tahsildár and Náib-Tahsildár in connection with harvest inspections.

142. The Tahsildár and Náib-Tahsildár shall do their best to secure correct harvest inspections. It is the wish of Government that each village should be seen by one of these officers twice a year, *viz.*, at harvest time, before the crops of each harvest are cut. Collectors will endeavour to secure this result, as far as it can usefully be attempted with reference to the size of each tahsil, especially in bad seasons.

Revenue work to be dealt with in village to which it relates as far as possible.

143. In order to avoid summoning agriculturists from their villages, all revenue work, especially disputed partition, lambardári, and revenue-assignment cases, should as far as possible be dealt with by the Tahsildár or Náib-Tahsildár at the village to which it relates. By this means the presence of all parties interested will be secured and the facts bearing on each case will be easily ascertained.

But when the mutation work of any tahsil is so heavy that the Tahsildár or Náib-Tahsildár cannot visit each village [illegible] . year withc[illegible] other dutie[illegible], allow some relaxation of the above orders, and may from time to time fix such place or places as he considers

* See Circular 22, para 25, and Circular 28, para 21.

† See Circular 22, para 26

conveniently situated within each patwári's circle for the attestation of mutations belonging to that circle. Civil cases should not ordinarily be set down for hearing on dates when a Tahsíldár or Náib-Tahsíldár is on tour.*

CHAPTER XV.

MISCELLANEOUS. (*Section 46, Land Revenue Act*).

144. Except where the Financial Commissioner may by special order otherwise direct, all records and registers made pursuant to the foregoing rules shall be made in the Urdu language. Records and registers to be in Urdu.

145. All rules made under Act No. XXXIII of 1871 as to patwáris or kánúngos or as to the record of mutations of rights over or possession of land are hereby cancelled. Previous rules cancelled.

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* *See Circular 23, paras. 27, 28 The instructions therein con*tained were issued with reference to the rules 142, 143, which have been superseded by rule 143 above.

PART II.—Other Rules under the Land Revenue and Tenancy Act.

CHAPTER I.

APPOINTMENT AND REMOVAL OF TAHSILDARS AND NAIB-TAHSILDARS

(*Section 9, Land Revenue Act*)

Of Náib-Tahsildárs.

List of qualified Naib-Tahsildar candidates

146 The Commissioner of each division is responsible for keeping up a list of qualified candidates for the post of Náib-Tahsildár, and in discharging this duty he shall be guided by the following instructions.

Selection of candidates of classes (*a*) and (*b*)

147. (*i*).—The Commissioner shall from time to time select persons whom he considers likely to fill the post of Náib-Tahsildár with credit from among—

(*a*) the leading agriculturists and persons of good social standing who reside permanently in his division;

(*b*) officials employed in the Revenue, Civil, Police, or Canal Establishments of his division.

time to time the ke a proportionate

(*ii*).—The number of persons of class (*a*) selected by him in each district shall not ordinarily be less than the number selected under class (*b*).

Educational qualifications of class (*a*) candidates

148. (*i*)—No person shall ordinarily be selected under class (*a*) unless he has passed the Anglo-Vernacular Entrance test or other higher standard of an Indian University.

(*ii*).—But in districts where the education of the agricultural classes is in a backward condition, the Commissioner may, with the sanction of the Financial Commissioner, select a person belonging to a leading agricultural family who has passed only the Anglo-Vernacular Middle School Examination, if he possesses special merits on the ground of local influence or services rendered to Government by his family.

Qualifications of class (*b*) candidates.

149. No person shall be selected under class (*b*) unless he possesses the following qualifications:—

(*i*) he shall have passed the Anglo-Vernacular Entrance test or other higher standard of an Indian University, or

(*ii*) he shall have been in Government service for not less than five years, of which not less than two shall have been spent in the duties of a field kánúngo. *

150 When the Commissioner has selected a candidate, he shall record the grounds of his selection in a roll in Form A appended, forwarding the roll to the Financial Commissioner for information †; and if the candidate belongs to Class (*a*), he shall at once call on the candidate to qualify himself for the post of Náib-Tahsildár in the following manner. Nomination rolls.

151. (*i*).—The candidate shall serve for a term of not less than one year and not more than two years in the revenue establishment of a district to be named by the Commissioner. ‡ And during this time— Revenue training of class (*a*) candidates.

(*a*) if not already in possession of a kánúngo's certificate, be thoroughly trained in the duties of a patwári and of a kánúngo;

(*b*) after he has been thus instructed in the duties first abovenamed, he shall discharge any other duties of the Collector's establishment which may be assigned to him by the Collector of the district. The discretion vested in a Collector to select these duties shall be no exercised as to give to each candidate a training in those duties of a Náib-Tahsildár of which he has no previous experience.

(*ii*)—A limited sum will be provided by the Local Government, from which stipends will be paid to deserving candidates of Class (*a*) while under training for a period in each case not exceeding two years.

152. (*i*)—Candidates selected under Class (*b*), and a candidate of Class (*a*) who has served for one year in the manner prescribed in Rule 151 or a candidate of Class (*a*) accepted prior to the enactment of these rules, may present themselves for examination. Examination of candidates.

(*ii*)—The examination shall include all subjects prescribed for the kánúngos' examination, and in addition—

the Land Revenue Act and Rules under that Act;

the Tenancy Act and Rules under that Act;

Parts I to V of the Civil Procedure Code;

* See also Circular No. 29, para. 8.

† Commissioners and Collectors should keep copies of nomination rolls (Circular No 22, para. 1).

‡ See Circular No. 22, paras 33 and 39.

Parts I to VI of the Criminal Procedure Code, except Chapter XXIII;

the account work of a tahsil office;

the duties of a Tahsildár under the Excise, Stamp, and Registration Acts.

(*iii*)—The examination shall be held yearly, or half-yearly if necessary, at the head-quarters of the division or of any adjacent division.

(*iv*)—The examiners shall be the Director of Land Records and an Assistant Collector of the 1st Grade nominated by the Commissioner.

(*v*).—Detailed instructions in respect of the conduct of the examination, the marks to be allotted to each subject, and the number of marks required to pass will be issued from time to time by the Financial Commissioner. *

Ditto

153. If the candidate fails to pass within two years from his first selection, the Commissioner may admit him to the examination within two years following the conclusion of this term.

Final qualifi-

154. (*i*).—A candidate who has been trained in the ... the examination above prescribed ... on in respect of his character and ... the Commissioner to the Financial Commissioner as a qualified † candidate for the post of Náib-Tahsíldár The Commissioner's report shall be in Form B hereto appended.

(*ii*)—The number of candidates thus certified shall not exceed for the whole division the number of Náib-Tahsíldárship of the division, nor ordinarily in any district the number of the Náib-Tahsíldárships in that district.

Appointment of Naib-Tahsildar.

155. Appointments to the post of Náib-Tahsíldár shall be made by the Commissioner of the division ‡ from among—

(*i*) candidates who have been certified to the Financial Commissioner as duly qualified under these rules;

(*ii*) ... r the post ... ahsíldárs' ... itherto in

* See Circular No. 22, para 5.

† All Naib Tahsildars and Tahsildars must be able to read and write English numerals (Circular No. 22, para 30).

‡ For form of report to Financial Commissioner, see Circular No. 22, para. 2.

156 If a Commissioner is unable to appoint any qualified candidate of his own division to a vacant post of Naib-Tahsildar, he shall report the vacancy for the orders of the Financial Commissioner. *

Procedure when Commissioner is unable to appoint a qualified candidate.

Of Tahsildars.

Notn. No 97, dated 24th April 1891.

157. No person shall be appointed a Tahsildar—

Qualifications necessary for appointment of Tahsildar

(*i*)—In the case of appointments made before the 1st of January 1889, unless he is qualified for that post under the rules hitherto in force.

(*ii*).—In the case of appointments to that date, unless—

(*a*) he is Naib-Tahsildar or Deputy Superintendent of Settlement of not less than two years stand- [illegible] Financial Commissioner as a candidate for the post of Tahsildar ; and

(*b*) he has passed the Tahsildar's Examination † or the Lower Standard prescribed for Assistant Commissioners, with such exceptions as are prescribed for Tahsildars in the rules relating to that Standard.

(*iii*)—Nothing in this rule shall be understood as assuring to a Naib-Tahsildar eventual promotion [illegible] specially distinguished by good work, education, or other merit will be borne in mind.

(*iv*) —[illegible] nay [illegible] as [illegible]

158 (*i*).—When a vacancy occurs in the post of Tahsildar, the Commissioner shall submit to the Financial Commissioner a recommendation framed in accordance with the preceding rule for filling up the vacancy. ‡

Appointments to be made by Financial Commissioner.

(*ii*).—Appointments to vacancies shall be made by the Financial Commissioner.

159. (*i*). In the case of a temporary vacancy in the post of Tahsildar not exceeding in duration 3 months, or

Filling of temporary vacancies by Commissioner

* [illegible] in a tract under [illegible]

Form B. (Rule 164.)

Division________Final qualification report of candidate selected for the post of Naib-Tahsildar.

1 District from which nominated.	
2 Official or non-official candidate	
3 Appointment, if any, now held by candidate	
4 Candidate's name, father's name, caste, and present age.	
5. Date of nomination roll in which candidate's selection was reported, and reference to other correspondence concerning him	

(i) The candidate (A. B) named above passed the Naib-Tahsildar's examination on the day of 18 , as per certificate of Director of Land Records hereto appended.

(ii) He has also received the practical training required by Section 6 of the Rules under the Land Revenue Act, as per report of the Collector of the district hereto appended.

(iii) The Collector of that district has in the same report certified that this candidate is by character and ability fitted for the post of Naib-Tahsildar.

(iv.) And being myself satisfied in respect of all the matters aforesaid, I now certify this candidate as qualified for the post of Naib-Tahsildar.

DATED AT________ } Sd.________
The *of* 18 . } *Commissioner of________Division.*

ANNEXURES.—*Director of Land Records' Certificate (para i).*

Collector's Certificate (para. ii).

CHAPTER II.

Zaildars, Inamdars, Headmen, and Chief Headmen.

(Section 28, Land Revenue Act).

Zaildars.

165. (*i*).—The office of Zaildár shall not be established in any local area except with the previous sanction of the Local Government. * *Office of zaildar and limits of zails*

(*ii*).—When that sanction has been obtained the limits of the charge, that is to say, of the zail of each Zaildár, shall be fixed by the Collector with the sanction of the Financial Commissioner, † and the first appointments to the office shall be made as hereinafter provided.

(*iii*) —An office established under this rule shall not be abolished except by order of the *Local Government*. The limits of a zail may be altered with the sanction of the Commissioner, but such changes, should be made rarely, and only for special reasons.

166. No person is eligible for appointment as a Zaildar unless he is a headman in the zail in which he is to be appointed, or unless he is a land-owner or a tenant holding from Government in the zail who has been approved by the Commissioner as a suitable candidate for the office. *What persons are eligible for zaildarships*

167. (*i*)—In the appointment of Zaildars regard shall not be had to any alleged hereditary claim, but regard shall be had among other matters to— *Matters to be considered in making appointments*

(*a*) extent of property in the zail possessed by the candidate;

(*b*) services rendered to the State by himself or by his family;

(*c*) his personal influence, character, ability, and freedom from indebtedness;

(*d*) the degree in which the candidate is by race or otherwise fitted to represent the majority of the agriculturists who reside in the zail.

(*ii*).—For the better determination of the merits of contending candidates [illegible] in [illegible] if [illegible] to,

* See Circular 27, para. 1.
† See Circular 27, para. 2.

direct that the votes of the headmen of the circle be taken in respect of these candidates.

(*iii*).—If the Collector directs that votes be taken, he shall take them himself at a place appointed by him for this purpose in the zail to which the inquiry relates. And when the result of the voting has been ascertained, it shall be taken into consideration along with the finding at which the Collector may himself arrive in respect of the matters specified in sub-section (1).

Vacation of office and dismissal.

168. (*i*).—A Zaildar vacates is office by—

(*a*) death;

(*b*) resignation with the sanction of the Collector;

(*c*) dismissal.

(*ii*).—A Zaildar shall be dismissed when—

(*a*) he is sentenced to imprisonment for one year or upwards or to any heavier punishment;

(*b*) he ceases to be a land-owner in his zail;

(*c*) his holding has been transferred or the assessment thereof has been annulled, for an arrear of land revenue;

(*d*) he has mortgaged his holding and has delivered possession thereof to the mortgagee

(*iii*)—A Zaildar may be dismissed for any reason which would justify the dismissal of a headman of an estate.

Appointment of successor.

169. When the office of a Zaildar has been vacated, a successor shall be appointed in the manner provided in Rule 167.

Duties of Zaildars.

170. The duties of a Zaildar * are—

(*i*) [illegible] Magis- [illegible] in [illegible] hood, [illegible] even- [illegible]

(*ii*) to see that the headmen, chief headmen, and patwaris of the zail perform their duties properly; provided that the Zaildar must not personally interfere in the performance of their duties by these officials except under directions from a competent officer;

(*iii*) to render such assistance in the work or survey, crop inspection, preparation of records and

* Compare Circular 27, para 10.

assessments, or other branches of revenue administration within the zail as the Collector may require;

(*iv*) to report any repairs necessary to Government buildings, roads, or boundary marks within the zail,

(*v*) to notify in the estates of the zail all orders of Government communicated to him for that purpose, and to obey all orders which require personal obedience from himself;

(*vi*) to exert his influence to secure within the zail prompt obedience to all orders of Government, *and to abstain from interference with cases* pending in the law courts except under order from the proper authority;

(*vii*) to assist Government officers in the execution of their duties, to supply them to the best of his ability with any information they may require, and to attend on them when they visit the zail

Remuneration of Zaildars

171. (*i*)—Where a zaildari cess is payable in addition to the land revenue, the proceeds of that cess, and where no such zaildari cess is leviable, then one per cent. of all land revenue assessed in the zail, or such other percentage as the Local Government may have appointed on his behalf, shall be appropriated for the remuneration of the Zaildar.

(*ii*).—The Collector shall collect this cess or percentage and it shall be paid to the Zaildar in the form of an inam assigned to him out of the land revenue of any estate in the zail appointed by the Collector in this behalf.*

INAMDARS.

Districts to which rules regarding Inamdars apply.

172.—The following rules relating to Inamdars apply to the districts of—

Hissar,	Shahpur,	Jhang.†
Karnal,	Jhelum,	Ferozepore (tahsils
Umballa,	Rawalpindi,	Moga, Zira, and
Ludhiana,	Hazara,	Ferozepore exclusive of Mamdot
Jullundur,	Multan,	ilaka.)‡
Hoshiarpur,		

---

paras.

eration

22nd

‡ Extended to Multan and Jhang by P. G. Notification No. 205, dated 28th August 1919.

and to any other district to which the Local Government may by notification hereafter extend them.*

Appointment, &c., of inamdars.

173. (*i*).—Subject to any conditions and limitations expressly made by Government when granting an inam, appointments to the office of Inamdar shall be made, the office shall be vacated, and successions to vacancies shall be filled up as nearly as may be in the manner provided in the rules relating to Zaildars.

(*ii*)—The votes of the headmen of the zail, ilaka, or other circle to which the inam is allotted shall not be taken for the purpose of determining the merits of contending candidates. But this rule shall not prevent the Collector from ascertaining by show of hands which of two candidates has the greater local influence, if he thinks this course desirable.

Duties and remuneration of inamdars.

174 An Inamdar shall perform such duties and render such assistance in the district administration as are required by the orders of Government under which the [illegible] so require [illegible] The re- [illegible] im in the [illegible] d revenue of any estate appointed by the Collector in this behalf in the zail or ilaka in which the Inamdar holds office.

VILLAGE HEADMEN.

Number of headmen

175. (*i*).—A sufficient number of Headmen shall be appointed to every estate, and this number when once fixed shall not be increased except by the order of the Financial Commissioner.†

(*ii*).—If an estate or a considerable portion thereof is owned by Government, the Headman may be appointed from among the tenants. In other estates he shall be appointed from among the land-owners.

(*iii*).—The lessee of the revenue or produce of an uncultivated or forest estate owned by Government, shall be, during the currency of his lease, the Headman, thereof.

Matters to be considered in first appointments

176. (*i*)—In all first appointments‡ of Headmen, regard shall be had among other matters to—

(*a*) his hereditary claims;

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* Special rules regulate succession to inams in particular districts, *e g*, Hazara and Dera Ismail Khan (see Circular 39, para. 4).

† See Circular 51, para 5.

‡ For lambardar's sanads, see Circular 26, para. 2.

(b) extent of property in the estate possessed by the candidate ;

(c) services rendered to the State by himself or by his family ,

(d) his personal influence, character, ability, and freedom from indebtedness.

177. (i).—A Headman vacates his office by— Vacation of office and dismissal.

(a) death ;

(b) resignation with the sanction of the Collector ;

(c) dismissal.

(ii).—A Headman shall be dismissed when—

(a) he is sentenced to imprisonment for one year or upwards, or to any heavier sentence ; or

(b) in an estate owned altogether chiefly by Government he ceases to possess the interest which led to his appointment ; or

(c) in any other estate he ceases to be a land-owner in the estate or sub-division of the estate in respect of which he holds office ;* or

(d) he has mortgaged his holding and has delivered possession to the mortgagee ; or

(e) his holding has been transferred under Section 71 of the Land Revenue Act, or the assessment thereof has been annulled under Section 73 of the same Act.

(iii).—A Headman may be dismissed when—

(a) cr[illegible] ,

or

(b) he is seriously embarrassed by debt* ; or

(c) owing to age or physical or mental incapacity, or absence from the estate, he is unable to discharge the duties of his office ; or

(d) he neglects to discharge his duties, or is otherwise shown to be incompetent ;* or

(e) the estate or sub-division thereof, in respect of which he holds office, or his own holding is attached either for or arrear of land revenue or by order of any court.

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* See Circular 35, para. 18.

Matters to be considered in appointment of successor (a) in Government estates.

178 In an estate or sub-division of an estate owned chiefly or altogether by Government a successor to the office of Headman shall be selected without regard to hereditary claims, but regard shall be had to the other considerations stated in Rule 31.

(b) in other estates

179. (i).—In other estates the heir or nearest eligible heir who according to the custom of the village is entitled to inherit shall be appointed, but subject in every case to the following rules :—

(a) The claim of a collateral relation of the last incumbent to succeed shall not be admitted solely on the ground of inheritance, unless the claimant is a descendant in the male line of the paternal great-grandfather of the last incumbent.

(b) Where a Headman has been dismised for a serious offence or disqualification the Collector may refuse to appoint any of his heirs whose eligibility is affected by such offence or disqualification.

(c) The Collector may also refuse to appoint a person claiming as an heir on any ground which would necessitate to justify the dismissal of that person from the office of Headman.

(ii) —Failing the appointment of an heir, a successor to the office shall be appointed in the manner and with regard to the considerations, described in Rule 31.

(iii) —Election shall not in any case be resorted to as an aid in making appointments under this rule and Rules 30 and 33.

[illegible]

[illegible] men.

[illegible] venue Act, the transferree, agent, or farmer who under [illegible]

[illegible]

(ii) —Where a Headman, who as land-owner is individually responsible for more than half the land revenue of an estate or of the sub-division thereof in respect of which [illegible]

to the vacant office.

(*iii*) — On the termination of any such transfer, farm, or attachment as is referred to in sub-section (*i*), or on the ... b-section ... cease to ... with re- ...

181 In addition to the duties imposed upon Headmen by law for any purpose, a Headman shall— Duties of Headmen

(*i*) collect by due date all land revenue and all sums recoverable as land revenue from the estate or sub-division of an estate in which he holds office, and pay the same at the place and time appointed in that behalf to the revenue officer or assignee empowered by Government to receive it ,

(*ii*) collect the rents and other income of the common land, and account for them to the persons entitled thereto ;

(*iii*) acknowledge every payment received by him in the books of the land-owners and tenants ;

(*iv*) defray joint expenses of the estate and render accounts thereof, as may be duly required of him ;

(*v*) report to the Tahsildar the death of any assignee of land revenue or Government pensioner residing in the estate, or the abesence of any such person for more than a year * ;

(*vi*) report to the Tahsildar all encroachments on roads or on Government waste lands and injuries to, or appropriation of, nazul property situated within the boundaries of the estate ;

(*vii*) report any injury to Government buildings made over to his charge ;

(*viii*) carry out, to the best of his ability, any orders that he may receive from the Collector requiring him to furnish information, or to assist in providing on payment supplies or means of transport for troops ;

(*ix*) assist in such manner as the Collector may from time to time direct at all crop inspections, ... eparation ... business ... ie estate ;

* Compare rules 3 and 4 annexed to para. of 10, Circular 37.

(x) attend the summons of all authorities having jurisdiction in the estate, assist all officers of the Government in the execution of their public duties; supply, to the best of his ability, any local information which those officers may require, and generally act for the land-owners, tenants and residents of the estate or sub-division of the estate in which he holds office in their relations with Government.

Remuneration of Headmen.

182. (i).—The remuneration of a Headman in an estate or sub-division of an estate owned chiefly or altogether by Government shall be such a portion of the village officer's cess, or of the income accruing to Government from the estate, as may be sanctioned by the Financial Commissioner.

(ii)—In other estates the remuneration of a Headman shall be the remuneration appointed when the land revenue of the estate was last assessed.

[illegible]

lected by him from the estate or portion of an estate in which he holds office *

Chief Headmen.

Appointments, &c., to office of Chief Headman.

183. In an estate in which the appointment of a Chief Headman has been sanctiond by Government, appointments to the office of Chief Headman shall be made, the office shall be vacated, and vacancies shall be filled up as nearly as may be in the manner provided in the rules relating to Headmen.

Provided that—

(a) the Chief Headman shall be appointed from among the Headmen of the estate; and

(b) in r [illegible]

Duties of Chief Headmen.

184. (i)—In estates in which a Chief Headman has been appointed, an order may, at the option of the officer by whom it is issued, be addressed either to the Chief Headman or to any Headman who is by his office responsible for the execution thereof. And if the order is addressed to the Chief Headman, he may either execute it himself or refer to the responsible Headman.

* Headmen who realize canal occupiers' rate receive an allowance of 3 per cent on the collections (Circular 53, para. 11, rule 1).

For effect of suspension or remission of land revenue on the remuneration of lambardars, see Circular 31, Annexure B.

(*ii*).—In addition to his own duties as a Headman, the Chief Headman shall be responsible for the due execution of their duties by other Headmen in the same estate.

(*iii*)—Nothing in sub-sections (1) and (2) shall be deemed to apply to the matters defined in clauses (*i*) to (*iv*) of Rule 36.

185. The remuneration of the Chief Headman of an estate shall be— Remuneration of Chief Headman.

(*i*) the remuneration appointed in respect of his office when the land revenue of the estate was last assessed,

(*ii*) or failing any such special provision, a portion of the village officer's cess equal to one per cent. of the land revenue collected from the estate,

(*iii*) this remuneration shall be collected by the village Headmen, and be paid by them to the Chief Headman.*

Rules applying to Zaildars, Inamdars, Headmen and Chief Headmen.

186. (*i*)—Where a Zaildar, Inamdar, Headman, or Chief [illegible] Punishments.
impose [illegible]
time b [illegible]

(*a*) that the emoluments of his office be withheld and forfeited to Government for a term not exceeding one year: or

(*b*) that he be suspended from office for a term not exceeding one year.

(*ii*.)—In a case of suspension, a substitue shall or shall not be appointed, as in the circumstances of the case the Collector shall deem necessary.

187. (*i*.)—Where an estate is owned by a non-resident land-owner, or where, in an estate owned by more land-owners than one, any one of them who are individually or collectively liable for more than half the land revenue of the estate are non-resident land-owners, a substitute for a non-resident Headman may be appointed from among the resident tenants. Appointment of substitutes.

(*ii*)—Where, by reason of old age or physical infirmity, a Zaildar, Inamdar, Chief Headman, or Headman, or by

* For effect of suspension or remission of land revenue on remuneration of Chief Headman, see Circular 31, Annexure B.

reason of minority or other good cause, a Headman is unable to perform the duties of his office in person, or for other sufficient reason, a substitute may be appointed to discharge those duties.

Position of substitute

188. A substitute thus appointed shall be deemed to be, and shall be equally with the person in whose behalf he is appointed, the Zaildar, Inamdar, or village officer (as the case may be) appointed to the office.

Determination of office of substitutes

189 (*i*).—When the person on whose behalf the substitute was appointed vacates his office, the tenure of office by the substitute shall thereon abate.

(*ii*.)—Saving as provided in sub-section (1), an order appointing a substitute shall remain in force until it is revoked, or until the substitute dies or is dismissed or resigns the appointment.

Rules governing appointment, &c., substitutes

190 ... of a ... to ... son ... ing the fitness of a person who claims to be appointed a substitute, regard shall be had to the property which he will inherit from the person on whose behalf he desires to be appointed, in like manner as if he had already inherited it.

Remuneration of substitutes

191 (*i*).—For special reason to be recorded in the ... whose stead a ... to enjoy a ... eration of the office.

(*ii*). In the absence of any such order a substitute is entitled to the whole remuneration of the office.

Liabilities for zaildari and village officers cess where land revenue has ...

192. Where the land revenue of an estate or holding has been released, compounded for, or redeemed, and a percentage payable out of the land revenue assessed there- ... ition of a Zaildar ... of that estate or ... ge payable by the ... revenue if it had not been released, compounded for, or redeemed

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CHAPTER III.

Demarcated areas of Uncultivated and Forest land owned by Government to be considered estates.

(*Section* 3 (*c*), *Land Revenue Act*).

Demarcated areas of forest land &c., owned by Government to be considered estates.

193. All demarcated areas of uncultivated and forest land owned by Government are declared to be estates within the meaning of the Punjab Land Revenue Act, 1887. Notification No. 8, dated 9 January 1889.

CHAPTER IV.

Manner in which boundaries of estates are to be demarcated and survey marks to be erected within estates.

(*Section* 100, *Land Revenue Act*).

Notification No 76, dated 1st March 1858.

Marks to be erected at angles on boundary of estate.

194. At every angle on the boundary between two estates and at such other places on the boundary line as may be necessary for the convenient determination of the boundary of an estates, pillars of mud or stone shall be erected, not less than three feet in height.

Tri-junction pillars

195 At every point where the boundaries of more than two estates meet a tri-junction pillar of the following specification shall be erected :—

Material—Masonry of stone or burnt brick with lime mortar, upper surface to be plastered with pakka lime plaster

Shape.—Cubic, each edge of the cube not less than three feet long.

Position.—The lowest side of the cube to be accurately bedded upon a levelled surface, and only half the cube to be above ground. *

Masonry marks at corner of one square where estate is measured on square system.

196. In estates surveyed on the square system, the extremities of a side of one square shall be marked by survey marks of stone or concrete, each mark being not less than 18 by 6 by 6 inches in size.

Marks at traverse stations where square measurement is not used

194. In estates not surveyed on the square system, if traverse stations are fixed by the Survey of India, they shall be marked by similar survey marks.

Power of Collector to dispense with rules.

198 Where boundaries are marked by rivers or hills or where land is exposed to the action of rivers or floods, [illegible] be [illegible] rks

And in that case to issue special orders.

199. Where an order is made under the last foregoing rule, the Collector may direct the erection of such other survey marks of the specification prescribed in Rules 86, [illegible] r guide from [illegible] time to time [illegible] accurately renowed. †

* Compare rule 44.

† Compare Circular 23, para 47, and Circular 56, para 29.

CHAPTER V.

Records of Rights

(Section 46, Land Revenue Act).

Scope of rules

200. The following rules relate to the making or revising of records of rights, pursuant to a notification issued under Section 32 of the Land Revenue Act.*

Records of Rights to be in Urdu

201. Except where the Financial Commissioner may by special order otherwise direct, records of rights shall be written in the Urdu language.

Jamabandi

202. (*i*).—The record of rights of an estate, so far as it comprises the statements mentioned in clause (*a*) of sub-section (2) of Section 31 of the Act, shall be prepared in the same form as the annual record; and the rules on the subject of the preparation of annual records shall apply to the preparation of these statements.

(*ii*). When these statements are complete, the Collector or an Assistant Collector shall fix a date for their final approval, and shall summon the persons interested therein to appear on that date at a place in, or in the immediate vicinity of, the estate.

(*iii*). On the date and at the place appointed, the revenue officer aforesaid shall ascertain by such inquiry as he shall deem sufficient that the statements have been duly and correctly prepared; and on being so satisfied, he shall sign the statements, adding at their foot an order declaring that they have been duly attesed.

Wajib-ul-arz.

203. (*a*).—The statement of customs respecting rights and liabilities on the estate shall be in narrative form, it shall [illegible]

ment shall be divided into paragraphs [illegible] tively, each paragraph describing as nearly as may be a separate custom

(*b*).—The statement shall not contain entries relating [illegible]

it. Subject to these restrictions, the statement should contain information on so many of the following matter as are pertinent to the estate :—

(1). Common land, its cultivation and management, and the enjoyment of the proceeds thereof.

* Elaboration is to be avoided in framing records of rights.

(2) Rights of grazing on common land.

(3) Rights to the enjoyment of sayer produce.

(4) Usages relating to village expenses (malba).

(5) Customs relating to the irrigation of land.

(6) Customs relating to mills, tanks, streams, or natural drainages

(7) Customs of alluvion and diluvion. *

(8) Customs relating to the inhabited site.

(9) The rights of cultivators of all classes not expressly provided for by law (for instance, rights to trees or manure, and right to plant trees); and their customary liabilities other than rent. For amendment, see Notification, 6th January 1889

(10) Customary dues payable to village servants, and the customary service to be rendered by them.

(11) The rights of Government to any nazul property, forests, unclaimed, unoccupied, deserted, or wastelands, quarries, ruins, or objects of antiquarian interest, spontaneous products,† and other accessory interest in land included within the boundaries of the estate.

(12) Any other important usage affecting the rights of land owners, cultivators, or other persons interested in the estate, not being a usage relating to succession and transfer of landed property.

(*c*).—Where the record of rights is being made for the first time, if the persons interested are not agreed as to the existence of any alleged custom, the Collector or an Assistant Collector of the 1st Grade shall decide the dispute in the manner provided in Section 36 of the Land Revenue Act. Where the record of rights is being revised, the Collector or Assistant Collector of the 1st Grade shall similarly decide disputed entries; but in doing so he shall have regard to the provisions of Section 37 of the Land Revenue Act.

(*d*).—When the statement is complete, the revenue officer aforesaid shall fix a date for its final approval, and shall summon the persons interested to appear on that date at a place in, or in the immediate vicinity of, the estate to [illegible] the [illegible] the [illegible], and

* See Circular 33, para 5

† See Circular 48, paras 3 and 4.

after such further correction as may be then found necessary, the revenue officer aforesaid shall sign the statement, and shall add at its foot an order declaring that it has been duly attested.

Map.

204. The map of the estate shall be prepared in the manner prescribed in the rules relating to annual records.

Binding of Records of Rights

205. (i)—The documents comprising the record of of rights * of an estate shall be bound together in one or more volumes.

Preliminary proceeding.

(ii).—The record shall commence with a proceeding stating—

(a) the authority under which, and the Collector by whom, it has been prepared;

(b) the documents comprised in the record;

(c) the date of the commencement and completion of the record.

CHAPTER VI.

LIST OF VILLAGE CESSES.

(Sections 145 *and* 155 (1 *g*), *Land Revenue Act).*

Contents of list of village cesses.

206. The list of village cesses levied on an estate shall be in the form of a proceeding, and shall state in respect of each village cess entered therein— Notification No. 76, dated March 1888.

(a) whether it has been approved by the Local Government, and, if it has been so approved, the particulars of that approval; or

(b) whether it has been judicially established, and, if so, sufficient particulars of the judicial order to enable a reference to be made to the order.

Filing of list

207. The list of village cesses, if prepared when a record of rights is being made, shall be filed along with the record of rights after the statement of customs; and if prepared when a general re-assessment is in progress shall be filed along with the order by which the assessment is determined.†

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* See Circular 6 of 1891, printed in Appendix D.

† Before preparing the lists, Settlement Officers should report what cesses they propose to enter in them under (a) and (b) respectively. They should divide the cesses under (a) into

(1)—Cesses already specially or generally approved by Government, and

(2)—Cesses which they consider ought now to be approved by Government. The orders of Government will be obtained as to cases of the 2nd class (see Financial Commissioners No. 44 C., dated 9th June 1891).

CHAPTER VII.

Respective Liability of Superior and Inferior Land-owners for the Land Revenue.

(*Section* 61).

208.—Where there are superior and inferior land-owners in the same estate or in the same holding, the inferior land-owner, shall, in the absence of any special order of the Financial Commissioner to the contrary, be liable for the land revenue.

In absence of special order inferior land-owners to be liable for the land revenue.

CHAPTER VIII.

Method of announcing the assessment of an estate.

(*Section* 51, *Land Revenue Act*).

209. (*i*).—Before announcing the assessment of an estate a notice shall be issued summoning the headman and other persons interested to attend at a place and on a date specified in the notice.

Method of announcing the assessment of an estate.

(*ii*).—On the date and at the place so appointed the Collector by whom the assessment is made shall announce the assessment; and if the headman or other persons interested who have attended pursuant to the notice so desire, he shall give to them a memorandum showing the particulars of the assessment.

CHAPTER IX.

Distribution of Assessment over Holdings.

(*Section* 56, *Land Revenue Act*).

210.—Before making or revising the distribution of an assessment over the several holdings of an estate, the Collector shall enquire into the usage followed in the previous distribution; and in deciding the method of the

that usage and

[m]ay be practic-

Question to be considered in making bachh of fixed assessment

211. (*a*)—The Collector shall then make an order setting forth the method of the former distribution, and the method by which the new distribution is to be made, and shall direct that a record of the new distribution be prepared showing—

Contents of order regulating bachh and record of bachh.

(1)—serial number of holding;

(2).—land-owner (with description) liable for the land revenue on each holding;

*See Circular 30, paras. 23-30 and 34-39, and Circular 33, paras. 6 and 20

(3).—area of holding, with such details as are necessary to the distribution ;

(4)—rate or measure by which the new distribution is made ;

(5).— } amount charged { by former distribution,
(6).— } to each holding { by new distribution ;

(7)—rates and cesses payable by the holding, which are charged by a percentage on the land revenue.

(*b*).—Where the rent of a tenancy is the whole or a share of the land revenue thereof, with or without an addition in money kind or service, the tenancy and the result of proceedings (if any) taken under Section 27 of the Punjab Tenancy Act, 1887, shall be shown in this record [illegible]

(*c*).—Where there are superior and inferior land-owners in the same estate, both classes of land-owners shall be shown in the record under entry (2); and there shall be added after entry (7) any malikana due to the superior land-owner, which is charged by a percentage on the land revenue, or if part of the land revenue is payable to the superior land-owner, details showing the amount so due to the superior land-owner shall be shown under entry (6).

Publication of bachh record.

212. (*i*).—The record thus made shall be published by delivering a copy of the order and record made under Rule 211 to the headman of the estate; or in his absence by posting these copies in a conspicuous place in or near the estate.

(*iii*)—A copy shall also be given to the patwari.

Bachh when [illegible] ment is [illegible] ating.

[illegible]

business by order under Section 12 of the Land Revenue Act, shall cause a record of the sum chargeable to each holding to be prepared for each year harvest (as the case may require), giving the particulars (entry No. 5 excepted) set out in Rule 211 and shall publish it in the manner prescribed in Rule 212. †

* See Circular 17, para 4.

† See also rules 217 and 218.

CHAPTER X.

SPECIAL ASSESSMENTS.

(Section 59, Land Revenue Act)

Assessment of resumed assignment (a) Where land has been already assessed to revenue;

214. When in any district or tahsil an assignment of land revenue is resumed, if that land revenue was assessed in the same form and by the same method as that in and by which land revenue paid to Government on the same estate or on adjacent estates was assessed at the last general assessment, no new assessment of the resumed assignment shall be made until a general re-assessment of the district or tahsil is undertaken.

(b). Where it has not been so assessed.

215 If the land revenue enjoyed by the assignee was not so assessed, or if, where the assignee was himself the land-owner, no assessment of his land has hitherto been made, the Collector shall assess land revenue on the land of which the revenue has been resumed, in conformity with the principles and instructions on which the current assessment of the tahsil or district was made. *

Circumstances under which heir of assignee can be made liable for land revenue

216. When the late assignee was not recorded in the record of rights as owner of the land of which the revenue has been resumed, the Collector shall nevertheless consider whether his occupation of the land, or enjoyment of the land, or of the rents thereof, has been as a matter of fact such as to entitle him or his heir to be made liable for the land revenue, and, if so, he shall make him or his heir liable for the same for the term of the settlement. †

[illegible] and diluvion assessments.

217. (i)—Where land of an estate paying land revenue [illegible] ion of water or sand, the [illegible] ider the current assess- [illegible] in conformity with the instructions issued from time to time in this behalf by the Financial Commissioner with the sanction of the Local Government. ‡

(ii)—And in every such case the distribution of the [illegible]

injured or improved is situated. §

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* See Circular 37, para. 58

† See Circular 37, paras. 38-47.

‡ See Circular 33. Special rules have been sanctioned for the districts of Karnal, Ambala (Tahsils Pipli and Jagadhri), Ludhiana, Jullundur, Hoshiarpur, and Ferozepur (Tahsils Zira and Ferozepur)

§ See Circular 33, paras. 6 and 20

Revision of assessment due to calamity of season, &c.

218. (*i*).—On the application of the land-owners the Financial Commissioner with the sanction of the Local Government may order the current assessment of an estate to be revised, if, owing to calamity of season or other cause not above provided for, the profits of the estate have been materially reduced.*

(*ii*)—In revising an assessment under this rule the Collector shall, except in cases in which the Local Government may by special order otherwise direct, be guided by the principles and instructions which were followed when the last general assessment was made.

(*iii*)—And the distribution of the land revenue over the holdings shall be revised in conformity with the revised assessment of the estate.

Assessments on account of pasture or natural products of land or water.

219. (*i*).—Where revenue due to Government on account of pasture† or other natural products of land or on account of mills, fisheries, or natural products of water, or on account of any rights of Government described in Sections 41 and 42 of the Land Revenue Act, has not been included in the current assessment of an estate, the Collector shall, when directed by the Financial Commissioner, from time to time assess the revenue so due in accordance with the instructions issued to him by that authority in each case.

(*ii*)—These instructions may prescribe the term for which the revenue shall be assessed and leased, the persons or class of persons to whom the lease shall be given, the form of the lease, and the procedure to be followed in granting the lease; and may further direct that the assessment be determined by tender or by public auction.

Assessment of land sold or leased by Government.

220. When waste lands are sold, leased or granted by Government, land revenue shall be assessed in accordance with the conditions of the sale, lease, or grant. ‡

Other special assessments.

221. In making all other special assessments of land for which provisions is made in Section 59 of the Land Revenue Act, and which are not dealt with in the foregoing rules, the Collector shall be guided by the principles and instructions which were followed in making the current assessment of the district or tahsil in which the land is situated.

Term of special assessments.

222. Except as may be provided by the instructions of the Financial Commissioner with reference to the

* See Circular 31, para. 25

† Compare Circular 35, paras. 21 22 and forms on page 267-268 of volume, also Circular 56, para 13 and Circular 48, para. 2.

‡ See Financial Commissioner's Circular 60 of 1885.

matters dealt with in Rule 219, or by the special order of the Financial Commissioner in any case, the special assessment of any land shall be made for the remainder of the term of the current assessment of the district or tahsil in which that land is situated.

CHAPTER XI.

THE PLACES AND MANNER AT AND IN WHICH LAND REVENUE IS TO BE PAID, THE CIRCUMSTANCES AND TERMS IN AND ON WHICH ASSIGNED LAND REVENUE MAY BE COLLECTED BY THE ASSIGNEE, AND THE CHARGE TO BE MADE FOR THE COLLECTION OF ASSIGNED LAND REVENUE BY THE COLLECTOR.

(Sections 63 and 64, Land Revenue Act).

Place of payment

223. (*i*).—Land revenue payable in cash shall be paid at the office of the tahsil to which the estate belongs except in the following cases :—

Exception 1.—When Tahsil Treasury at head-quarters has been incorporated with the District Treasury.

(*a*). Where the tahsil treasury at the district head-quarters has been incorporated with the district treasury. In this case the payment shall be made into the district treasury, the statement of the manner in which the sum paid is to be appropriated being first checked and attested by the Tahsildar.

(*b*). [illegible]

treasury. In this case the payment shall be made as provided in clause (*a*).

Exception [illegible]

(*c*). Where the land revenue is assigned, and the [illegible]

fifteen days after the dates fixed for the payment of the instalments of the Government demands. In this case the payment shall be made at the place so approved.

(*ii*).—If only part of the land revenue of an estate has been assigned, the assignee shall not be permitted to appoint under this rule a place for payment of the land revenue due to him other than a place in the estate.

Places of appraisement and payment where the amount payable is determined by appraisement.

224. (*i*).—Where by the terms of the current assessment the land revenue is payable in cash, but the amount to be paid at each harvest is determined by appraisement of the produce, the appraisement shall be made by the revenue officer or other agent appointed by the Collector in this behalf at the place where the produce is grown,

but the land revenue determined to be due shall be paid at the place in the manner provided under the last foregoing rule.

(*ii*).—Where in a case under this rule the land revenue is assigned, the Collector may in his discretion permit the assignee to make the appraisement.

Place of payment where land revenue is payable in kind.

225. (*i*).—Where land revenue is payable in kind, the produce shall be divided at the place where it is grown in the presence of a revenue officer or agent appointed by the Collector to superintend the division, and the produce thus ascertained to be due as land revenue shall be paid to that revenue officer or agent at the same place.

(*ii*).—Where in a case under this rule the land revenue [illegible]

Assignees allowed to collect [illegible]

226. (*i*).—No order under the foregoing rules, by [illegible] ... nee for the receipt of [illegible] are approved, shall [illegible] ment otherwise than from the village headman empowered by rule under Chapter III to collect the same from the land-owners.

Where assignee fails to collect the Collector will realise on his behalf

(*ii*).—If the land revenue is not paid to the assignee by the date fixed for payment, the Collector of his own motion or on the application of the assignee may order that it be paid to himself in the same manner and at the same place as is appointed for the payment of land revenue due to Government in the same tahsil

Order allowing assignee to realise direct may be cancelled by Collector

227. The Collector may at any time cancel an order made in favour of an assignee of land revenue under rule 223, 224, or 225 And the land revenue due to the assignee shall thereafter be paid or the produce be appraised or divided (as the case may be) in the same manner and at the same place as is appointed in respect of estates in the same tahsil of which the land revenue is due to Government.

Assigned land revenue kept in deposit.

228. [illegible]

paid to him on his demand.

Hakb-ul-tahsil

(*ii*). A charge of 2 per cent. for expenses of collection or such other charge as may in any case have been prescribed, shall be deducted by the Collector from all such sums.

Special arrangements for [illegible]

229. The continuance of such special arrangement as is [illegible]

falling due the Collector shall make an order cancelling that arrangement.

Rules for the payment of the Land Revenue of the Jagir of Kulai and Badnak, held by the Nowab of Amb, in the Haripur tahsil of the Hazara district.

230. The revenue of the Kulai and Badnak jagir in the Hazára district shall be paid at the village of Swabi to the kardar of the jagir, who shall hold his appointment under the orders of the Commissioner of the Pesháwar division. Revenue where to be paid and to whom.

231. A charge of 3 per cent. on the net collections of the jágír shall be made to the jágírdár for the remuneration of the kárdar. Remuneration of Kardar

232. The kardar shall conform to the same rules in respect of the receipt of revenue as are prescribed for the observance of Tahsildárs, and shall keep written accounts of his collection and of his payments to the jágírdár. These accounts shall be at all times open to the inspection of the Deputy Commissioner. Duties of Kardar

233 Excepting the matters above dealt with, the payment of the land revenue of this jágír, will be subject to the same rules as are in force in the rest of the direct. With exceptions noted in rules 230 to 233 ordinary rules in force.

CHAPTER XII.

SUSPENSION AND REMISSION OF LAND REVENUE.

(Section 64, Land Revenue Act). *

234. (i).—The Collector may by order direct that the whole or part of the land revenue falling due in an estate be suspended. Suspensions.

(ii).—All orders thus issued by the Collector shall be at once reported by him for the sanction of the Commissioner, and the Commissioner may cancel or modify the Collector's orders as to him seems fit

235. (i).—In the order by which land revenue payable by an estate, is suspended no date shall be fixed for the recovery thereof. † But the Collector shall not later than Collection of suspended revenue.

* See detailed instructions in Circular 31

† See Circular No. 31, para. 22.

shall be recovered in addition to the land revenue of the current harvest.

(*ii*).—The orders thus issued for the realization of suspended revenue shall be reported to the Commissioner, and may be cancelled or modified by him as to him may seem fit. *

Report of suspensions and proposed collections to be made to Financial Commissioner.

236. All orders made under the two last foregoing rules shall be reported without delay to the Financial Commissioner.†

Remissions.

237. When it is proposed to remit land revenue, the amount in respect of which the proposal is made, if not already suspended, shall be suspended, and the case shall be reported by the Collector to the Commissioner, who, if he agrees, will forward the case to the Financial Commissioner for such sanction as may be necessary under the order of Government. †

CHAPTER XIII.

RECOVERY OF ARREARS OF LAND REVENUE.

(*Sections* 64 (1), 97, 155, (1*c*), *Land Revenue Act*).

Writs for Demand and Execution of Processes.

Issue of writs of demand under Section 68

238. A writ of demand issued under Section 68 of [illegible] be in [illegible] issued [illegible] to be [illegible]

Period within which to be returned.

239. The person receiving the writ shall be held responsible for its return within six days from the date of issue, and may be entrusted with any number of writs which he can serve without exceeding this period.

Establishment for service of writs of demand.

240. The Collector shall entertain such number of men to serve writs, warrants, or other processes for the collection of revenue under Chapter VI and VII of the Punjab Land Revenue Act, 1887, as may be necessary. They shall be appointed for a specified period and at a fixed salary, and the demand or acceptance by them of anything by way of subsistence or gratification is strictly prohibited.

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* See Circular 31, para 23

† See Circular 31, paras. 31-32.

Charge for service.

241. A fixed charge of 12 annas shall be made for each service.*

Forms to be used in procedure under Chapters VI and VII.

242. The forms appended to these rules are prescribed for use in procedure under the various sections of Chapters VI and VII of the Land Revenue Act, 1887, to which they apply.

Recovery of Arrears on the application of village officers.

Application of Headman for recovery of arrears from defaulter.

243 (*i*).—An application under Section 97 of the Land Revenue Act † shall be made either to the Collector or to the Tahsildar, and shall state :—

(*a*) the name and description of the defaulter;

(*b*) the arrear of which recovery is desired;

(*c*) the circumstances which have made the application necessary.

(*ii*).—Any number of defaulters residing in the same estate may, at the discretion of the revenue officer to whom the application is made, be included in the same application, but the arrear due from each defaulter shall be separately specified.

Defaulter to be summoned.

244. (*i*).—If the application is in due form, and the arrear of which recovery is desired has not been due for more than six months, the revenue officer shall fix a date for the hearing of the case, and shall serve a writ of demand on the defaulter, together with a summons to attend on that date.

(*ii*)—If the arrear has been due for more than six months the application shall be rejected, unless the applicant satisfies the revenue officer that the delay in realizing the arrear is not due to his neglect. And, if so satisfied, the revenue officer shall proceed as in sub-section (1).

Recovery of arrears from defaulter.

245. On and after the date fixed for the attendance of the defaulter the revenue officer shall make an inquiry into the existence of the arrear. And if it is proved, he shall record an order stating the amount of the arrear and the person who is the defaulter, and shall thereafter proceed to recover the same.

Arrest and Detention.

Bail of defaulters under detention.

246. A defaulter who, under Section 69 (2) of the [illegible] *nal restraint*, [illegible] g given that [illegible] specified by

* See Circular No. 34, paras. 2 to 6 and 8.

† See Circular 34, paras 7, 10 and 11. The stamp duty on such applications has been remitted (Circular 31, para. 12).

the revenue officer ordering the restraint during certain hours until ten entire days have elapsed from the commencement of his detention, unless the arrear be sooner paid.

Circumstances under which a defaulter is liable to detention or imprisonment for arrears

247. No defaulter shall be detained under Section 69 (2) of the Act or confined under Section 69 (3) for an arrear unless it is due from himself or from a co-proprietor of whom he is the representative village headman; nor shall any defaulter be imprisoned for an arrear due before he came into possession or office

Order for detention issued by Assistant Collector, 2nd grade, to be reported to Collector.

248 If in any case an Assistant Collector of the 2nd grade decides to keep a defaulter arrested by warrant under detention instead of causing him to be taken before the Collector, he shall without delay report his action to the Collector for information if the detention exceeds twenty-four hours *

Attachment.

Account to be kept by Collector or Agent managing land attached under Section 72 or Section 77

249. When an estate or holding or any other immovable property attached under Section 72 or Section 77 of the Act is put under the management of the Collector, or of an Agent, the Collector or Agent, as the case may be, shall keep an account of all rents and profits accruing on [illegible] the cost of [illegible] defraying [illegible] cesses, or canal water rent becoming due during such management; [illegible] full account [illegible] rty has been attached. †

Annulment of Assessment.

Security to be demanded from farmer under Section 73.

250. When it is proposed to farm an estate or holding under section 73 of the Act, the farmer shall be required to give good security, amounting to not less than two-thirds of the annual demand, for the punctual payment of the annual sum at which the estate is farmed and for the fulfilment of the other conditions of the farm. ‡

Right of survivorship when farm is held by several persons.

251 If there be joint farmers and any of them die, the farm shall be continued to the survivor or survivors, unless it be otherwise provided in the engagement

Persons disqualified from being farmers

252. No female, minor, resident of a foreign State, or public servant shall be accepted as farmer or as surety for a farmer of an estate or holding let in farm under Section 73.

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* See also Circular 34, para 17

† See Circular 34, para. 14

‡ See Circular 34, para. 15

253 The engagement of the former shall contain the following conditions.— Terms of farmer's engagement.

I.—That nothing inconsistent with good husbandry shall be done by the farmer, his agent, or any person holding under him, and that he shall be liable to damages for any deterioration or injury to the estate arising from a breach of this condition.

II.—That the Collector shall be at liberty to revise the security from time to time and to call for fresh security should be consider that the security originally given has become insufficient.

III.—That the form shall not be transferable, and that, on the death of the farmer, or of the last *survivor of the farmers if more than one, it* shall be voidable by the Collector from the commencement of the following agricultural year, and, if it be declared void, any sub-leases which may have been granted by the farmer shall also be voidable. Should the Collector elect to continue it to the heirs of the deceased farmer, or to one or more of them, fresh security shall be called for.

IV.—That when an arrear has become due, the Collector may, in addition to any other of the processes authorized for the recovery of land revenue, cancel the farm.

V.—That no person not named in the engagement shall be entitled to claim any interest in the farm.

VI.—That the farm may be relinquished by the farmer with the previous consent of the Financial Commissioner, and not otherwise.

254. When a farm shall have been declared void on the death of the farmer, or in [illegible] or for arrears, or shall hav[illegible] farmer, a fresh farm may be [illegible] the original term; or, with [illegible] Financial Commissioner, the estate may be re-settled with the proprietors on their satisfying any arrear which may remain due from them Course to be followed when [illegible]

Sale.

255. When it is proposed to sell an estate or holding or any other immovable property under Section 75 or Section 77 of the Act, such estate or holding or immov- Sale under Section 75 or Section 77 to be preceded by attachment.

able property shall in the first place be attached in the manner prescribed in Section 72. *

FORMS.

1.—*Form of Writ of Demand under Section 68, Land Revenue Act,* 1887.

No. Writ of demand under Section 68 of the Land Revenue Act 1887.

To resident of Village Tahsil District.

WHEREAS it is shown by the accompanying certificate* that an arrear of Rs. is due from you on account of Land Revenue [and], you are hereby required to pay into the tahsil the said sum, together with the sum of 12 annas due as talabana fee, amounting to a total sum of Rs. on or before the

Signed.

Revenue Officer.

* A clear account certified by the Wasil Baki Navis should be endorsed on the writ.

Particulars to be filled in by the Wásil Báki Navis or other officer.

1 Name of Peon.
2. Date of issue of writ.
3. Date fixed for its return.
(The above to be entered before service of the writ.)
4 Date on which the writ was returned.

5.	Revenue paid	...	...	Rs.
6	Talabana "	...	...	"
7.	Revenue due	...	...	"
8.	Talabana "	...	...	"

2.—*Form of Warrant of Arrest under Section 69, Land Revenue Act,* 1887.

To Peon (or other officer).

Land Revenue ..	
Rates and Cesses ..	
Other items realizable as Land Revenue ..	
Total ...	

WHEREAS resident of Tahsil District is a defaulter on account of an arrear of revenue which has accrued as shown in the margin, this it to command you to arrest the said defaulter and to bring him before me with all convenient speed : Provided that if the said defaulter shall without unnecessary delay produce the sum

* See Circular 34, para. 16.

. of execut- bring the you by his agent or servant, the arrest shall be suspended. You are further commanded to return this Warrant on or before the day of 18 with an endorsement certifying the day and the manner in which it has been executed or the reason why it has not been executed.

Signed.

Dated *Revenue Officer.*

3—Form of Warrant of Distraint under Section 70, Land Revenue Act, 1887.

To *Kánúngo (or other officer whose service counts as superior).*

WHEREAS resident of Tahsil District is a defaulter on account of an arrear of revenue which has accrued as shown on the ... u to ... and ... set

Land Revenue ...
Rates and Cesses ...
Other items ...

necessary delay produce the sum of Rs. together with Rs. for the cost of executing this process and shall proceed to personally bring the said sum with you to the tahsil, or send it with you by his agent or servant, the distraint shall be suspended. This Warrant does not authorize you to distrain any of the property mentioned in the first proviso to Section 266 of the Code of Civil Procedure* or the following portion of the produce of the land of the defaulter, to wit which has been exempted from liability to sale by order of the Collector.

You are further commanded to return this Warrant on or before the day of 18 with an endorsement certifying the date and manner in which it has been executed or why it has not been executed.

Signed.

Dated *Collector or Assistant Collector, 1st C.*

*[Section 266 of the Code of Civil Procedure is printed in ... back of this Writ.]

Warrant for Sale of Movable Property, under Section 70, Land Revenue Act 1887.

To *Názir (or other officer whose service counts as superior).*

THIS is to command you to sell by auction, after ... same to ... the mov- ... distrained ... of 18 , or so much of the said property as shall realize the sum of Rs. , being the amount of the arrear of revenue still due by

You are further commanded to return this warrant on or before the day of 18 , with an endorsement certifying the manner in which it has been executed or the reason why it has not been executed.

Signed.

Dated *Collector or Assistant Collector, 1st Grade.*

The proclamation shall specify the time and place of sale, the property to be sold, and the amount for the recovery of which sale is ordered, and, as fairly and accurately as possible, the other particulars required by Section 287 of the Code of Civil Procedure to be specified.

5.—*Warrant of transfer of holding in respect of which an arrear of revenue is due, under Section* 71, *Land Revenue Act*, 1887.

To *Kánúngo (or other officer whose service counts as superior).*

WHEREAS an arrear of revenue has accrued on holding No. in the estate called Tahsil , this is to give ... of the ... ession of the said holding, and you are hereby authorized to remove any person bound by this warrant who may refuse to vacate the same. This transfer shall have effect till

Signed.

Dated *Collector.*

6—*Warrant for Attachment of an Estate or Holding under Section 72, Land Revenue Act, 1887.*

To Kánúngo (or other officer whose service counts as superior).

WHEREAS an arrear of Land Revenue has accrued in respect of the estate called / holding No ______ in estate ______ owned by , you are hereby ordered to attach the said estate / holding ______: and to give notice to the owner thereof, by taking his signature on the back of this warrant, that the said estate / holding is hereby taken under my management / the management of ______ whom I appoint agent for that purpose.

This attachment shall have effect for years from the commencement of the ensuing agricultural year, unless the arrear be sooner discharged.

Signed.

Collector.

Dated

7.—*Proclamation of Sale under Section 79, Land Revenue Act, 1887.*

WHEREAS an arrear of revenue amounting to Rs. has accrued in respect of the estate named / holding No ______ in estate ______, and the sanction of the Financial Commissioner has in his Secretary's letter No. , dated , been given, under Section 75 of the Land Revenue Act, to the sale of the immovable property detailed in the annexed schedule for the recovery of the said arrear, this is to give notice that the said immovable property will be sold by auction at on the day of 18 at o'clock. *Land Revenue amounting to Rs.* per annum is assessed on / payable in respect of ______ the said estate / holding. Any person in- [illegible] ...t on pain of [illegible] ...n to me on an [illegible]

The sale will be made subject to the provisions of Section 76 / Section 79 (4) of the Punjab Land Revenue Act, 1887, and the following incumbrances, grants, contracts, or rights of occupancy are specially saved by order of the Financial Commissioner / have been ascertained to exist in respect of the property, *viz.*,

Signed.

Collector.

Dated

Schedule.

8.—*Certificate of Sale, under Section 95, Land Revenue Act* 1887.

I,   Collector of   , hereby certify that   , resident of   Tahsil   , District   , has been declared the purchaser at sale by public auction on the   day of   18   of   sold for the recovery of an arrear due in respect$\frac{\text{thereof,}}{\text{of}}$ and that the sale has been duly confirmed by the Commissioner under Section 92 of Punjab Land Revenue Act, 1887.

[*To be added when the land is sold for an arrear due in respect thereof.*]

The following incumbrances, grants, contracts, and rights of occupancy specified in the proclamation of the sale are specially saved by order of the Financial Commissioner under Section 76, sub-section (2), clause (*c*), of the said Act, *viz.*—

This certificate is granted under the provisions of Section 95 of the Punjab Land Revenue Act, 1887.

Signed.

Collector.

Dated

CHAPTER XIV.

Refunds of Revenue.

(*Section* 155 (1 *g*), *Land Revenue Act.*)

Refunds of Land Revenue, Rates, and Cesses.

Procedure regarding refunds of land revenue.

256. Claims [illegible] may [illegible] plicat[illegible] ordinate to him, or of his own motion. If after enquiry he is of opinion that they should be admitted he shall report them in the prescribed form to the Commissioner with the grounds of his recommendation.*

[illegible]otification 16, dated January 18[illegible].

When Commissioners may sanction refunds.

257. The sanction of the Commissioner shall be sufficient authority for the refund of sums credited to Government in the current or in the last preceding agricultural year when the refund is on account of erroneous collections, or is rendered necessary by an order which he was competent to pass, or in consequence of an assignment of land revenue having been granted with retrospective effect,

* See Circular 35, paras. 56-57.

258. The sanction of the Financial Commissioner must be obtained for refunds on other amounts, and for refunds of sums credited to Government in the accounts of any year earlier than the last preceding agricultural year. When the sanction of the Financial Commissioner is required.

259. Every application for refund must be accompanied by the certificate of the District Revenue Accountant (Wasil Baki Navis) and the Treasury Officer that the sum was credited on a specified date and in a specified item. The application must also contain a sufficient explanation of the grounds on which the refund is proposed. Certificate required with application for refund.

CHAPTER XV.

THE NUMBER AND AMOUNT OT THE INSTALMENTS, AND THE TIMES AND PLACES, AND THE MANNER BY, AT, AND IN WHICH RATES AND CESSES OF WHICH A RECORD HAS BEEN MADE UNDER THE LAND REVENUE ACT ARE TO BE PAID.

*(Sections 29 (3) and 155 (1a), Land Revenue Act).**

Notification No. 76, dated 1st March 1888. 260. (*i*).—Where the annual land revenue of an estate is payable at one harvest, the demand of each year from that estate on account of rates and cesses shall be paid at the same harvest. Number of instalments and amount.

(*ii*) —In all other cases the demand of each year from an estate on account of rates and cesses shall be paid in two instalments, *viz.*, one at the kharif harvest, and the other at the rabi harvest; and each instalment shall bear the same proportion to the total demand of the year as the instalment or instalments of land revenue due on the same estate for the same harvest bear to the total land revenue payable by the estate for the same year.

261. Rates and cesses due at each harvest shall be payable on the date on which the first instalment of land revenue due from the same estate on account of the same *harvest is payable, and, except as by the rules is otherwise* provided, at the revenue office appointed for the receipt of land revenue due to Government in the same tahsil. Rates and cesses to be paid along with first instalment of land revenue.

262. Where no land revenue is payable by an estate, the rates and cesses due therefrom shall be payable by the same instalments and at the same dates by and at which the rates and cesses of the adjacent estates are payable. And the Collector shall by order determine the instalments and dates which are applicable under this rule. Rule in case of estates in which no land revenue is payable.

* See the Circular 35.

Suspension and remission of rates and cesses when land revenue is suspended or remitted.

263. Where the land revenue of an estate is suspended or remitted, a proportionate amount of the rates and cesses shall be similarly suspended or remitted.

Portion of rates and cesses not payable to Government.

264. (*i*).—A headman, when paying an instalment of rates and cesses as required by Rule 260, shall be entitled to withhold—

(*a*) any portion of the due demand which consists of produce in kind due to village officers holding office in the estate;

(*b*) the remuneration due to persons other than the patwari;

(*c*) the proceeds of any cess levied on account of village expenses.

(*ii*).—It shall be the duty of the headman to pay sums thus withheld to the persons entitled to the same.

CHAPTER XVI.

Distribution of business between the Financial Commissioners.

(*Sections* 7 (2) *and* 11 (1), *Land Revenue Act*)

Distribution of appellate work between Financial Commissioners.

265. Appeals, revision cases, and applications, under the Punjab Land Revenue Act, 1887, the Punjab Tenancy Act, 1887, or any other Act or Regulation pursuant to which the Financial Commissioner has jurisdiction as the chief controlling revenue authority, shall be distributed between the First and Second Financial Commissioners in accordance with orders to be from time to time recorded by the Financial Commissioners jointly. The general [illegible] the Revenue Courts shall [illegible] rst and Second Financial

What proposals of one Financial Commissioner require concurrence of other Financial Commissioner.

266. Proposals of a Financial Commissioner, (1) involving a material change in the revenue policy or system of the province, or (2) relating to the disposal of land revenue assessment reports, or (3) recommending the alteration of the limits of districts or tahsils, shall be referred to his colleague for expression of opinion before being submitted for the orders of Government.

Proposals to confer powers under Acts XVI and XVII of 1887 to be made jointly.

267. Proposals to confer powers under the the Land Revenue Act, 1887, or under the Punjab Tenancy Act, 1887, shall be made by the Financial Commissioners jointly; but proposals to confer powers under any other Act or Regulation shall be made by the Financial Commissioner, who controls under that Act the proceedings of the officer proposed to be invested.

268 Recommendations as to the appointment, promotion, posting, or control of Extra Assistant Commissioners shall be made, and orders regarding the appointment, promotion, or control of Tahsildars and Naib-Tahsildars shall be passed, by both Financial Commissioners jointly:

Recommendations as to appointment, &c., of Extra Assistant Commissioners, and orders as to appointment, &c., of Tahsildars and Naib-Tahsildars to be made jointly.

Provided that in cases of urgency arising under this rule, the Financial Commissioner to whom is allotted the business connected with which recommendations are required to be made, or orders to be passed, may take action without previously consulting his colleague.

269 A Financial Commissioner when on tour may inspect the whole revenue work of any district irrespective of the division of duties between himself and his colleague, but the result of his inspection in regard of matters not allotted to him by these rules should be referred by him for the orders of the other Financial Commissioner.

Financial Commissioners on tour may inspect whole revenue work of a district.

270. Business not allotted in the above rules shall be grouped into two schedules, A and B, as the Local Government may from time to time direct. The existing division of this business is shown in Schedules A and B hereto annexed. And the Local Government will from time to time by order direct which Schedule shall be assigned to each Financial Commissioner.

Schedules A and B.

271. Business not expressly allotted either in these rules or in Schedules A and B shall be distributed between the two Financial Commissioners, as may be decided by the First Financial Commissioner. And if doubt arises as to the interpretation of the schedules, the decision shall rest with the First Financial Commissioner.

Business not allotted by rules how distributed.

272. Subject to the control of the Lieutenant-Governor a Financial Commissioner may transfer to the other Financial Commissioner with his consent any case allotted to him under these rules.

Transfer of work from one Financial Commissioner to the other.

273. Notwithstanding anything contained in these rules either Financial Commissioner shall dispose of any business expressly assigned to him by the order of the Lieutenant-Governor.

Each Financial Commissioner to dispose of work specially allotted to him by the Lieutenant-Governor.

Schedule A.

1. Land Revenue Act, including the general control of proceedings thereunder.

2. The Punjab Tenancy Act and Hazara Tenancy Regulation.

3. The Northern India Canal and Drainage Act.

4. Forests, Tirni, and management of waste lands.

5. Grants, sales, leases, and other alienations of Government lands.

6. Surveys.

7. Famine, and famine preventive and relief works.

SCHEDULE B.

1. Income Tax Act.

2. Stamps, and Court Fees Act.

3. Salt, Opium, and Excise.

4. Trade.

5. Government Litigation.

6. Court of Words.

7. Pensions and Revenue Assignment.

8. Land Improvement Loans and Loans to Agriculturists.

9. The Land Acquisition Act.

CHAPTER XVII.

FUNCTIONS TO BE DISCHARGED BY DIFFERENT CLASSES OF REVENUE OFFICERS UNDER THE LAND REVENUE ACT.

(*Section* 10, *Land Revenue Act.*)

Functions to be discharged by different classes of Revenue Officers under Act XVII of 1887.

Pb. G. Notification No. 26, dated 1st March 1888.

274. The Honble. the Lieutenant-Governor has by Notification direct—

(1) that the functions arising under the chapters and sections of that Act* which are specified in Schedule A hereto annexed shall be discharged only by Collectors and officers of a higher class ;

(2) that the functions arising under the sections and chapters of that Act which are specified in schedule B hereto annexed shall be discharged only by Assistant Collectors, 1st Grade, and officers of a higher class ;

(3) that in any case in which a rule made or hereafter to be made under the Act specifies the class of revenue officer by whom a function is to be discharged, that function shall be discharged by an officer of that class only ;

* Act XVII of 1887.

Verification of applications.

(*ii*). Every written application or statement filed by a party to a revenue proceeding shall be drawn up and verified in the manner provided by the Civil Procedure Code for written statements in suits.*

Proceeding not to abate on death or marriage of party

280. The death of one of the parties to a revenue proceeding, or, in a proceeding to which a female is a party, her marriage, shall not cause the proceeding to abate. And the revenue officer before whom the proceeding is held shall have power to make the successor in interest of the deceased person or of the married female a party thereto. †

In fixing dates, &c., Revenue officer to follow procedure of Revenue Court.

281. In fixing dates for the hearing of parties and their witnesses, in adjourning proceedings, and in dismissing applications on default or for other sufficient reason, a revenue officer will, so far as the nature of the case may require or permit, be guided generally by the principles of the procedure for the time being in force in Revenue Courts.

Commissions.

282. The provisions of Chapter XXV of the Civil Procedure Code in respect of commissions shall apply in the case of proceedings before a revenue officer.

Expenses of witnesses

283. (*i*).—A revenue officer may at his discretion award to a witness attending on summons a sum on account of his expenses, not exceeding the sum to which the witness would have been entitled for a like attendance in a Civil Court.

(*ii*). The sum so awarded shall be costs in the proceeding.

Record of proceedings under Section 34 (4) of Land Revenue Act (mutations).

[illegible] 34, sub-sec- [illegible] led record of [illegible] shall be made; but the order of the revenue officer shall state briefly the persons examined by him, the facts to which they deposed, and the grounds of the order.

Record in [illegible]

(*ii*). In other proceedings under the Land Revenue Act, not being proceed [illegible] proceedings before a re [illegible] ancy Act, the revenue [illegible] a brief memorandum of the statements of parties and witnesses at the time when each statement is made.

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* Compare Sections 51, 52, and 115, Civil Procedure Code.

† Compare Chapter XXI, Civil Procedure Code.

‡ Determination of question of title in property of which partition is sought.

CHAPTER XVIII.

LIMITATION OF JURISDICTION OF ASSISTANT COLLECTORS OF THE SECOND GRADE UNDER THE TENANCY ACT.

Section 77 (4), *Tenancy Act*).

Limitation of powers of Naib-Tahsildars.

275. A Naib-Tahsildar invested with the powers of an Assistant Collector of the 2nd grade shall not hear and determine a suit of any description mentioned in the 3rd group of sub-section (3) of Section 77 in which the rent or sum claimed exceeds Rs. 100 in amount.

[illegible]

276. Other Assistant Collectors of the 2nd grade [illegible] a suit of any description [illegible] sub-section (3) of Section [illegible] claimed exceeds Rs. 500 in amount.

CHAPTER XIX.

LANGUAGE OF REVENUE OFFICES AND COURTS.

(*Section* 155 (1*f*) *of Land Revenue Act and Section*106 (1*f*) *of Tenancy Act*).

Language of Revenue Courts and Offices.

277. The language of revenue offices and courts shall be—

(*a*) English, in cases in which English is the mother-tongue of both the parties to a revenue proceeding; and

(*b*) Urdu in all other cases.

Use of English by parties or legal practitioners.

278. A party to a proceeding to which clause (*b*) of the last foregoing rule applies, or his legal practitioner, may make an application and plead in the English language if both the parties or their legal practitioners understand English and the presiding officer consents to the use of English.

CHAPTER XX.

PROCEDURE OF REVENUE OFFICERS.

(*Section* 17, *Land Revenue Act, and Section* 85, *Tenancy Act*).

Statements and pleadings to be brief.

279. (*i*)—The statements and pleadings made by or on behalf of parties to a revenue proceeding, whether oral or written, shall be as brief as the nature of the case admits, and shall not be argumentative, but shall be confined as much as possible to a simple and concise narrative of the facts which the party by whom or on whose behalf the statement or pleading is made believes to be material to the case, and which he either admits or believes that he will be able to prove. *

* Compare Section 114, Civil Procedure Code.

(*ii*) Every written application or statement filed by a party to a revenue proceeding shall be drawn up and verified in the manner provided by the Civil Procedure Code for written statements in suits.* *Verification of applications.*

280. The death of one of the parties to a revenue [illegible] uch a female is a par- [illegible] proceeding to abate. [illegible] om the proceeding is held shall have power to make the successor in interest of the deceased person or of the married female a party thereto † *Proceeding not to abate on death or marriage of party.*

[illegible] and [illegible] niss- [illegible] n, a [illegible] may require or permit, be guided generally by the principles of the procedure for the time being in force in Revenue Courts. *In fixing dates, &c., Revenue officer to follow procedure of Revenue Court.*

282. The provisions of Chapter XXV of the Civil Procedure Code in respect of commissions shall apply in the case of proceedings before a revenue officer. *Commissions.*

283. (*i*).—A revenue officer may at his discretion [illegible] Court. *Expenses of witnesses.*

(*ii*). The sum so awarded shall be costs in the proceeding.

[illegible] 34, sub-sec- [illegible] led record of [illegible] all be made; but the order of the revenue officer shall state briefly the persons examined by him, the facts to which they deposed, and the grounds of the order. *Record of proceedings under Section 34 (4) of Land Revenue Act (mutations).*

(*ii*). In other proceedings un [illegible] a brief memorandum of the statements of parties and witnesses at the time when each statement is made.

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* Compare Sections 51, 52, and 115, Civil Procedure Code.

† Compare Chapter XXI, Civil Procedure Code.

‡ Determination of question of title in property of which partition is sought.

Language of memorandum recorded by Revenue officer.

(*iii*). If the revenue officer's mother-tongue is English, this memorandum shall be written in English and be translated into Urdu. In other cases it shall be writter in Urdu.

Contents of orders

285. (*i*) —In every proceeding in which an order is passed on the merits after inquiry, the revenue officer making the order shall also record a brief statement of the reasons on which it is founded.

Language of orders.

(*ii*). Orders under Section 34, sub-section (4),* and under Section 56† of the Land Revenue Act shall be written in Urdu But if the revenue officer's mother-tongue is English, he may at his discretion write the order in English and translate it into Urdu.

(*iii*). In every other case referred to in sub-section (1) the order and the reasons for it shall—

(*a*) if the revenue officer's mother-tongue is English, be written by him in English, and be translated into Urdu ;

(*b*) if the revenue officer's mother-tongue is not English, be written by him in Urdu.

Apportionment and recovery of costs.

286. (*i*).—In proceedings in which costs have been incurred, the final order shall apportion the costs between the parties to the proceeding ‡

(*ii*). Costs thus apportioned shall be recoverable by the revenue officer by attachment and sale of the movable property of the person liable for the same, in the manner prescribed in Section 70 of the Land Revenue Act.

Execution of orders of ejectment, &c.

287. (*i*).—Orders of ejectment from, and delivery of possession of, immovable property shall be enforced in the manner provided in the Code of Civil Procedure for the time being in force in respect of the execution of a decree whereby a Civil Court has adjudged ejectment from, or delivery of possession of, such property.

(*ii*). And [illegible] a revenue officer shall hav[illegible] contempts, resistance, and t[illegible] ay exercise in the execution of a decree of the description mentioned in sub-section (1).

Arbitration.

288. [illegible] Land Revenue Act, 1887, [illegible] apply to proceedings b[illegible] of any matter described in the first and second groups of Section 76 of the Punjab Tenancy Act, 1887. §

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* Mutation orders.

† Orders regulating distribution of assessment over holdings

‡ See also Land Revenue Act, Section 152 and Tenancy Act Section 87.

§ For procedure of Revenue Courts see Sections 88 *et seq.* of Tenancy Act, and Circular 17, paras. 23 30 and 35 38.

CHAPTER XXI.

RECOGNIZED AGENTS UNDER LAND REVENUE ACT AND TENANCY ACT.

(Section 18, Land Revenue Act and Section 86 (1) and (2) Tenancy Act).

Notification No 733 and 729, dated 1st November 1887.

Recognized Agents

289 The Honble. the Lieutenant Governor has by Notification directed that the following persons shall be recognized agents for the purposes of Section 18 (1) of the Land Revenue Act and 86 (1) of the Tenancy Act:—

(*a*) P[illegible] ney [illegible] ocal [illegible] hin [illegible] or [illegible] to make and do such appearances, applications, and acts on behalf of such parties.

(*b*) [illegible] law for [illegible] g special [illegible] n *to do*, on behalf of their principals, such acts as may legally be done by mukhtars.

(*c*). Persons carrying on trade or business for and in the names of parties not resident within the local limits of the jurisdiction of the Court within which limits the appearance, application, or act is made or done, in matters connected with such trade or business only, where no other agent is expressly authorized to make and do such appearances, applications, and acts.

(*d*). Persons specially authorized by parties to appear and act on their behalf in any particular suit: Provided such persons are agents authorized for the occasion only, and are not practitioners acting in evasion of the law regulating the admission and enrolment of Pleaders and Mukhtars: * Provided also that it shall be in the discretion of the Court to refuse to permit any such person to appear or act.

* For rules relating to Revenue Agents, see Circular 17, paras. 47-52

CHAPTER XXII.

RULES APPLICABLE TO APPEARANCES OF ADVOCATES, PLEADERS, AND REVENUE AGENTS IN PROCEEDINGS BEFORE THE FINANCIAL COMMISSIONERS AND TO APPLICATIONS FOR REVISION PRESENTED TO THE SAME COURT.

(*Section* 88 (2) *Tenancy Act and Section* 652, *Civil Procedure Code*).

Appearances of Advocates, Pleaders, and Revenue Agents in proceedings before the Financial Commissioner.

Notification No. 160, dated 1st October 1890.

290. Whereas by Section 39 of the Code of Civil Procedure every Advocate, not being an Advocate of a High Court established by Royal Charter, and every Pleader is required to be appointed by an instrument in writing, and by Punjab Government Notifications Nos. 728 and 729, dated 1st November 1887, every certificated Mukhtar is required to hold a special power-of-attorney, and no such Advocate, Pleader, or Mukhtar can be recognised, in the absence of a written authority as aforesaid, as empowered to appear, plead, or act, for any person in any proceeding governed by the Punjab Tenancy Act, XVI of 1887, and Land Revenue Act, XVII of 1887, and it is expedient to ... Advocate, Pleader, ... plead, or act, in ... l Commissioners, the following rules are made by the Financial Commissioners :—

Contents of appointments.

(*a*). Every appointment of an Advocate of a High *Court established by Royal Charter*, or of a Pleader, and every power-of-attorney to a certificated Mukhtar presented to the Court shall contain in full the names of the person or Pleader or Mukhtar to appear or act on his behalf and shall be executed by every such person.

Proof of agent's power to act on behalf of his principal.

(*b*) When such appointment or power is not executed by the principal himself, but by some person claiming to appoint or give authority on his behalf, the Advocate or Pleader or Mukhtar will not be recognised by the Court without proof that such person was duly authorised by the principal to execute such appointment or power.

Contents of applications for revision.

Notification No. 144, dated 10th September 1890.

291. (*i*).—An application to the Financial Commissioner to exercise the powers conferred by Section 622 of the Code of Civil Procedure, drawn or supported by an ... agent admitted to ... Court, shall speci... ...id of the Financial

(a) if . . . .

the particular exercise of jurisdiction complained of;

(b) if it be that the Court which decided the case failed to exercise a jurisdiction so vested, the jurisdiction which ought, in the applicant's opinion, to have, but has not, been exercised, shall be clearly set out;

(c) if it be that the Court acted in the exercise of . irregularity, irregularities . set out;

(ii).—The Clerk of Court is hereby authorised to return for amendment, within a time to be specified in an order to be recorded by him on the application, any application not drawn up in conformity with the foregoing directions.

NOTE.—Rules 342 and 343 were issued in continuation of those published on page 1142, Punjab Gazette, Part III for 1886.

CHAPTER XXIII.

PROCESSES AND NOTICES ISSUED UNDER THE TENANCY ACT. (*Section 106 (1 c.) (1 g.) and Section 46*).

Processes of arrest not to be issued between certain dates.

292. A revenue officer or revenue court shall not, except for reasons of urgency to be recorded, issue any process of arrest against a tenant or against a land-owner who cultivates his own land between the 1st day of April and the 31st day of May, nor between the 15th day of September and the 15th day of November.

Contents of application for issue of notice of ejectment, &c.

293. Every application for the issue of a notice of relinquishment, or of intended transfer of a tenancy, or for the issue of notice of ejectment* from a tenancy, shall be accompanied by an extract from the last annual or other record showing—

(a) the name and description of the landlord;

(b) *the name and description of the tenant*;

(c) the fields from which it is proposed to eject the tenant, and their area;

(d) the rent at which the tenant holds;

and the extract shall be signed by the patwari, or by the office kanungo of the tahsil, or by the district record-keeper.

* See also Revenue Circulars, page 701.

Forms of notices.

291. The forms hereto appended shall, so far as may be practicable, be used for all notices of relinquishment and of intended tranfer of right of occupancy issued on the application of a tenant, and for all notices of ejectment issued on the application of a landlord.

Notice issued by A. B., Assistant Collector of the District.

NOTICE OF RELINQUISHMENT issued pursuant to, Sub-section (2) of Section 36 of the Punjab Tenacy Act, 1887.

Tenant on whose application this notice is issued:	C. D. *(with father's name, caste, and residence).*
Landlord on whom this notice is to be served.	E. F. *(with father's name, caste, and residence),*
Tenancy to which this notice relates. [*Give for each field included in the tenancy its number and its area; also the total area of the tenancy, and the estate and tahsil in which situate*]	

In accordance with the application of C. D., the tenant, NOTICE IS HEREBY GIVEN to E. F., the landlord, that the tenant will relinquish the tenancy above described at the end of the agricultural year now current.

Dated at the Revenue Office of
This day of 18 .
(Seal and signature of Revenue Officer.)

Notice issued by A. D., Assistant Collector of the District.

NOTICE OF EJECTMENT issued pursuant to the provisions of Sub-section (1) of Section 44 of the Punjab Tenancy Act, 1887.

Landlord on whose application this notice is issued.	C. D. *(with father's name, caste, and residence).*
Tenant on whom this notice is to be served.	E. F. *(with father's name, caste, and residence).*
Tenancy to which this notice relates. [*Give for each field included in the tenancy its number and its area; also the total area of the tenancy and the estate and tahsil in which situate.*]	

WHEREAS on the day of 18 in the Court of at a decree for Rs. and costs Rs. on account of an arrear of rent due in respect of the tenancy above described was passed in favour of the said C. D., landlord, plaintiff, against E. F., tenant, defendant, and whereas a sum of Rs. is still due under this decree as set out in the account annexed,

THIS NOTICE OF EJECTMENT is issued against E. F., the said tenant; and he is hereby informed that, if he does not pay to this office the said amount of Rs. which is still due under the decree within fifteen days from the receipt of this notice, he will be ejected from the said tenancy

Dated at the Revenue Office of
This day of 18 . } *(Seal and signature of Revenue Officer).*

ACCOUNT OF SUMS DUE UNDER THE DECREE.

Amount of decree	...	...
Costs decreed against defendant	...	...
Costs of execution to date	...	...
Total Rs.	...	...
Paid by defendant	...	...
Balance now due...	...	...

Notice issued by A. B., Assistant Collector of the District.

NOTICE OF EJECTMENT issued pursuant to the provisions of Sub-section (1) of Section 45 of the Punjab Tenancy Act 1887.

Person on whose application this notice is issued.	C. D. *(with father's name, caste, and residence).*
Person on whom the notice is to be served.	E. F., *(with father's name, caste, and residence).*
Tenancy to which the notice relates. [*Give for each field included in the tenancy its number and its area; also the total area of the tenancy, and the estate and tahsil in which situate.*]	

WHEREAS C D. has made an application to this office stating that he is the landlord of the tenancy above described and praying that E F, the tenant thereof, be ejected, and

WHEREAS it appears from the annual record that E. F. holds as a tenant of C. D., and is liable to ejectment by notice in accordance with the provisions of clause 6 of Section 42 and of Sections 43 and 45 of the Tenancy Act,

THIS NOTICE OF EJECTMENT is issued against E. F., the said tenant, and he is hereby informed that—

(1) he must vacate the land before the first day of May next following, or, if he intends to contest his liability to be ejected, he must institute a suit for that purpose in a Revenue Court within two months from the date of the service of this notice; and further that—

(2) if he does not intend to contest his liability to be ejected, but has a claim for compensation on ejectment, he should within two months from the date of the service of this notice prefer his claim to an Assistant Collector of the 1st Grade.

Dated at the Revenue Office of This day of 18 . (*Seal and signature of Revenue Officer*).

Notice issued by A. B., Assistant Collector of the District.

NOTICE OF TRANSFER OF RIGHT OF OCCUPANCY issued pursuant to the provisions of Sub-section (2) of Section 53 of the Punjab Tenancy Act, 1887.

Tenant on whose application this notice is issued.	C. D. (*with father's name, caste, and residence*)
Landlord on whom this notice is to be served.	E. F. (*with father's name, caste, and residence*).
Land to which this notice relates. [*Give for each field its number and its area; also the total area to which the notice relates, and the estate and tahsil in which situate.*]	

In accordance with the application of C. D., tenant, who has a right of occupancy in the land above described, NOTICE IS HEREBY GIVEN to E. F., the landlord, that the tenant, C. D., intends to transfer * of his right of occupancy in the said land by † to G. H., son of , caste , residing at .

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* The whole or a share, as the case may be.

† Sale, gift, or other form of transfer, as the case may be.

And E. F the landlord, is hereby informed that if he wishes to claim to purchase the right of C. D., tenant in this land, he should prefer his claim to an Assistant Collector of the 1st grade within a period of one month from the date on which this notice is served.

Dated at the Revenue Office of *This day of 18 .*	*(Seal and signature of Revenue Officer.)*

___________ District.

NOTICE OF SALE OF RIGHT OF OCCUPANCY in execution of a decree or order of Court issued to the landlord pursuant to the provisions of Sub-section (2) of Section 55 of the Punjab Tenancy Act, 1887, by the Court of held at in the district aforesaid.

Landlord on whom this notice is to be served.	A. B. (*with father's name, caste, and residence*).
Tenant whose right of occupancy is to be sold.	C D. (*with father's name, caste, and residence*).
Tenancy to which this notice relates. [*Give for each field included in the tenancy its number and its area; also the total area of the tenancy, and the estate and tahsil in which situate.*]	

NOTICE IS HEREBY GIVEN to A. B, the [illegible] of the tenancy above described, that the right of [illegible] of C. D, the tenant, will be sold by this Court at o'clock of the day of 18 [illegible] execution of the decree described below, and the [illegible] is hereby informed that if at any time before the [illegible] the day on which the sale takes place he [illegible] [illegible] pancy at the amount of that bid.

Dated at the Court of *This day of 18 .*	*(Seal and Signature of* [illegible]

(Particulars of decree in execution of [illegible] *ordered.)*

CHAPTER XXIV.

Inspection of Records and Grant of Copies.

(*Section* 155 (1 *d*) *of Land Revenue Act, Section* 106 (1 *d*) *of Tenancy Act*).

I.—Inspections.

Documents which may be inspected or of which copies may be granted

295 The following are the documents which may be inspected and of which copies may be granted:—

(*a*) —Records of rights and annual records and maps, and any other record or proceeding framed under the Land Revenue Act. *

(*b*).—Records of revenue courts and of any proceeding under the Tenancy Act, or under any other Act pursuant to which a revenue officer has jurisdiction.

(*u*).—The inspection of pending cases is subject to the control of the revenue officer or court before whom they are pending And they shall not be inspected on a day fixed for the hearing thereof, except with the special permission of that officer or court. Ordinarily they are open to the inspection of the parties only and of their pleaders or agents.

Time and place of inspection.

297. The inspection of records shall be made at such time, in such place, and in the presence of such officials as the head of the office, in the case of records of decided cases, and the presiding revenue officer, in the case of records of pending cases, may direct.

Application for inspection

298. Application for inspection of records shall be made in writing on plain paper, and shall distinctly specify the record inspection of which is desired.

The application shall be accompanied by the prescribed fee.

Fees

299. The following fees shall be paid for inspection, *viz.*—

	Rs.	A.	P.
For the first hour or part of an hour ...	1	0	0
For each subsequent hour or part of an hour	0	8	0

If more time than is covered by the fee paid with the

* For inspection and obtaining copies of records in custody of patwari, see rule 23.

application be occupied in the inspection, the balance shall be paid at the close of the inspection.

(*ii*).—The fee prescribed by this rule is not payable in respect of records sent for and inspected by a revenue court or office on the application of a party in a suit or proceeding pending before it.

300 . d a se- parate f which is desired, that, in the opinion of the head of the office or presiding revenue officer, they may be regarded as one, in which case one application and one fee will suffice. *Separate application and separate fee for each record.*

301. If any record for inspection of which an order has been given is incomplete or absent from the record room, or for any sufficient cause not available for inspection, the head of the office or presiding revenue officer shall direct refund of the fee, and shall pass such order regarding future inspection as he may think right. *Refund of fees.*

document or paper of a e use of pen and ink are paper may be used for the *Copying of documents prohibited.*

303. Fees realized under these rules shall be credited in full to the Record Office Fund,* except where the Financial Commissioner under Rule 304 may have directed otherwise. *Fees to be credited to record office fund.*

income derived from inspection fees.

(*ii*).—But where the income derived from inspection fees is too small for the entertainment of such an establishment, the Collector may, with the previous sanction of the Financial Commissioner, authorize the record-keeper or any other official to appropriate by way of remuneration one-fourth of the fees received for inspections of records, the remaining three-fourths being credited to the Record Office Fund.

a place where paid daily into offices shall be tody being pro- of the office. *Crediting of fees.*

* See Circular 42, paras. 34-36.

Account of income and expenditure

306. An account of income and expenditure shall be submitted in the prescribed form to the Financial Commissioner by Commissioners and Collectors with the annual Revenue Administration Report.

II.—Copies and copyists.

(a).—*Appointment, remuneration, and control of copyists.*

Appointment of copyists.

acular depart-
offices under
l of the office,
d well being
first tested And only such a number shall be appointed as are absolutely required. *

Remuneration of copyists

nine-tenths of the
erson demanding a
e the remuneration
of the Head Clerk of the English Office, Clerk of the Court, or Record keeper, as the case may be, whose duty it will be to see that the copy tallies with the original, and is thoroughly well written. The practice of funding the copying fees and entertaining copyists on fixed salaries is forbidden

Duties of Head Clerks and Superintendents attesting copies.

309 The affixing by a Head Clerk, Clerk of Court, or Record-keeper of his signature to a copy is a certificate that the official in question has personally satisfied himself of its accuracy after a personal comparison of the copy with the original.

The payment to Head Clerks, Clerks of Court, and Record keepers sanctioned in Rule 14 is intended to remunerate those officials for the extra labour imposed upon them by this additional duty.

Penalty for bad copying.

310 In case of bad copying the copyist shall prepare a fresh copy entirely at his own expense, stamps, &c., included.

Penalty for improperly appropriating copying fees

311. Any Head Clerk, Clerk of Court, or Superintendent, or other person improperly appropriating any portion of the copyists' fees shall be liable to immediate dismissal.

(b)—*Rule for disposal of applications for certified copies of records.*

Persons entitled to copies of record in a ... or proceeding

eding is entitled
record, includ-

* A register of Copyists is maintained (Circular 42, para 33.)

(ii).—But a party who has been ordered to file a written statement is not entitled to inspect or take a copy of a written statement filed by another party, until he has first filed his own.

has no except re produced

Ditto.

(ii).—But, with the exception aforesaid, a stranger may, after a suit or proceeding has been decided, obtain copies of the rest of the record, or, for sufficient reason shown to the satisfaction of the presiding revenue officer, he may, with the same exception, be granted copies of any part of the record while the suit or proceeding is still pending.

314. Any person may obtain a copy of a record of rights, annual record of list of village cesses, or of the record of distribution of an assessment over the holdings of an estate, or of an entry in a register of mutations

Persons entitled to obtain copies of a record of rights, &c.

*(c).—Rules for furnishing copies of decrees, judgments, or other documents for the purposes of record or appeal.**

315 At the head-quarters of each district an officer should be specially appointed to receive all applications for copies daily at a fixed hour.

One officer to receive applications

316. Each application as received, after endorsement on it of the date of receipt, should be entered in a vernacular register of the form given in Appendix A, or such other form as the Financial Commissioner may approve.

Applications to be entered in a register.

317. All applications for copies should invariably be accompanied by a deposit in cash sufficient to cover the fees chargeable under these rules. When not so accompanied, the application should be returned with instructions as to the amount of deposit required; and the date of return, with a note of the instructions given, should be entered on the application. The court fee stamp which the law requires to be affixed †to the copy should not be taken

will be required when the copy is ready for delivery, and

Applications to be accompanied by a deposit in cash for copying fees. Stamps to be filed when copy is ready for delivery.

* For special orders regulating grant of copies in certain cases, see Circular 17, paras 39-40, Circular 37, para. 22, Notification No. 411 of 22nd March 1873, Rule III. (see page 373, Revenue Circulars,) and rule 14 of Appendix A. to Revenue Circular 45.

† For stamp duty on copies of orders in revenue executive proceedings, see Revenue Circular 17, para. 33.

that unless it is furnished the copy will not be delivered to him.*

Copies to be written legibly and on the prescribed description of paper.

318. Every copy shall be written in a fair, legible hand upon paper of the prescribed pattern. When the copy is of an order in vernacular, it must be written in the *nastalik* style. Head Clerks, Clerks of Courts, and Record-keepers are responsible that the copies which they attest are properly written on the prescribed kind of paper.

Particulars to be entered on copies

319. (*i*).—Every copy of the records mentioned in rule 20 shall be commenced with a sufficient short description of the record, and with the name of the estate, tahsil, and district to which it relates.

(*ii*).—Every copy of a judgment or order of a revenue court or officer shall be commenced with a heading containing the following information:—

(*a*). The court or office by which the case was decided, giving the name and powers of the presiding officer, and in an appellate case the name and official designation of the officer whose order was appealed, and the date of that order;

(*b*). the date of the institution of the suit, proceeding, or appeal, as the case may be:

(*c*). the name and description of the parties;

(*d*). the subject-matter of the suit or proceeding, and the estate, tahsil, and district in which situate.

Ordinarily copies of judgments and decrees only to be given for purposes of appeal.

320. Copies of more than the judgment and decree or final order in a suit or proceeding will not be given unless specially applied for. Where, however, an Appellate Court has referred issues for trial to the Lower Court, a copy of the order of remand should be supplied, as well as the final order passed on receipt of the return to the remand.

... ıdgments or orders for ... of paper on which the ... together in book form, ... another so as to form a roll.

Copyist how to act on completion of copy.

322. The copyist will present the copy when ready to the officer entrusted with the duty of receiving and admitting applications for copies. On receipt of the copy

* For cases in which stamp duty has been remitted, see Revenue Circular 17, para. 34.

the applicant will be called, and on his furnishing the necessary stamp the copy will be delivered to him with any balance of the sum deposited for copying fees after the following points have been noted on the copy and in the register.—

(a). Date of presentation of application for copy.

(b). Date of return for deposit of copying fees, if so returned.

(c) Date of making the required deposit for copying fees.

(d). Amount paid as copying fees.

(e). Name of copyist.

(f) Date when copy was ready for delivery.

(g) Date of delivery of copy to applicant.

The register should be signed at the time of delivering the copy by the officer in charge.

323 Should the applicant not be present when first called to receive the copy, his name should be called on three ... present himself within ... be filed, and the copy ... fresh application is made on a one-anna stamp.

Absence of applicant when called.

324 The cause of delay in preparing a copy beyond the third day from the date of application should invariably be noted on the copy, and should be certified by the Head Clerk of the English Office, Clerk of Court, or the Record-keeper, according as the copy is in English or the vernacular. In every office the officer charged with the duty of superintending the issue of copies should be careful to see that the prescribed period of three days is not exceeded, except in cases when it is really impracticable to supply the copy within that time.

Cause of delay in preparing copy to be noted.

325. It must be understood that these instructions apply to vernacular as well as to English copies, and to copies taken out for the purpose of record as well as for appeal. The particulars required to be noted by rule 2[illegible] should be endorsed in the vernacular on vernacular copies and in English on English copies, by the persons making the copies.

[illegible]

326. (i).—For every copy there will be charged a copying fee and a record office fee.

(ii)—The record office fee will be a fee charged in addition to the copying fee, equal to one-fourth of its amount.

(*iii*).—The following will be the scale of copying fees :—

English Copies.

Scale of copying fees

	Rs.	A	P.
Two hundred words and under ...	0	6	0
Every additional 100 words ...	0	2	0

Vernacular Copies.

Two hundred words and under ...	0	3	0
Every additional 100 words ...	0	1	0

These rates include the cost of the paper which will be supplied by the copyist. For field maps, boundary maps, tabular work, &c., a special charge will be fixed by the officer granting the copy.

(*iv*).—The Financial Commissioners desire it to be understood that this scale of fees is intended to show the maximum rates leviable, and that a lower scale may be fixed in any district if it is found possible to get really good copying done at a cheaper rate.

(*v*).—The copying fees levied should be disposed of strictly in accordance with rule 307. The record office fee will be credited to the record office fund.

[illegible] copying depart- [illegible] applications for [illegible] ie court fees on copies are duly entered in the prescribed register. The Collector should occasionally inspect the register. The register will be in the form given in Appendix B, or in such other form as the Financial Commissioner may approve.

Stamps on copies to be cancelled by the attesting officer before issue.

328. The officer attesting copies must before issue cancel the court-fee labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part of the label upon which its value is expressed. As an additional precaution, the signature of the attesting officer, with the date, should be written across the label and upon the paper on either side of it.

Procedure when document of which copy is sought is in a file pending before Financial Commissioner.

329. Whenever an application is made for a copy of a document in a case in which the files are before the Financial Commissioner, the application should be forwarded to the Financial Commissioner for disposal.

330. The provisions of these rules shall be read subject to any directions restricting the grant of copies that may be contained in any Act of the Legislature; nor do they in any case authorise the inspection of or the granting of copies of official correspondence.* Rules subject to legislative restrictions on grant of copies.

"Official letters are, as a general rule, private documents, to copies of which no person has any claim whatever. Should it be desirable to grant copy of a letter or of an extract of a letter, received by a subordinate from a superior officer, reference should in every case be made to the superior officer for permission". (P. G. Circular No. 53—1072, dated 19th September 1871).

APPENDIX A.

Register of Applications for Copies.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Serial No.	Name of applicant.	Name of officer who passed the order of which copy is required.	Number of case and names of parties.	Nature of case.	Date of decision.	Date of presentation of application for copy.	Date of return for deposit of copying and record fees.	Date of making the required deposit of copying and record fees.	Number of words copied.	Amount of copying fees.	Amount of record office fees.	Name of copyist.	Date on which copy was completed by the copyist.	Date on which copy was examined and certified.	Date of delivery of copy to applicant.	REMARKS.
										Rs. A. P.	Rs. A. P					

Note.—This form was substituted for that prescribed in Notification 79, dated 1st March 1888, by correction slip No. 86 to page 441 of Revenue Circulars.

APPENDIX B.

Daily Register of Court Fees realised in the Court and Office of the

1	2		3		4		5		6
Date.	Process fees.		Amount realized under Act VII of 1870, Schedule I, Articles 1 to 9 inclusive.		Amount realized under Schedule II.		Total.		REMARKS.
	Rs.	A.	Rs.	A.	Rs.	A.	Rs.	A.	

(3) The Collector of the other district shall, on receiving the certificate, proceed to recover the amount stated therein, as if it were an arrear of land-revenue which had accrued in his own district.

Remedy available to person denying liability to pay amount recovered under last foregoing section.

4. (1) When proceedings are taken against a person under the last foregoing section for the recovery of an amount stated in a certificate, that person may, if he denies his liability to pay the amount or any part thereof and pays the same under protest made in writing at the time of payment and signed by him or his agent, institute a suit for the repayment of the amount or the part thereof so paid

(3) In the suit the plaintiff may, notwithstanding anything in the last foregoing section, but subject to the law in force at the place aforesaid, give evidence with respect to any matter stated in the certificate

Recovery by Collectors of sums recoverable as arrears of revenue by other public officers or by local authorities

5. Where any sum is recoverable as an arrear of land-revenue by any public officer other than a Collector or by any local authority, the Collector of the district in which the office of that officer or authority is situate shall, on the request of the officer or authority, proceed to recover the sum as if it were an arrear of land-revenue which had accrued in his own district, and may send a certificate of the amount to be recovered to the Collector of another district under the foregoing provisions of this Act, as if the sum were payable to himself

Property liable to sale under this Act

6 (1) When the Collector of a district receives a certificate under this Act, *he may issue a proclamation prohibiting the transfer* or charging of any immoveable property belonging to the defaulter in the district

(2) The Collector may at any time, by order in writing, withdraw the proclamation and it shall be deemed to be withdrawn when either the amount stated in the certificate has been recovered or the property has been sold for the recovery of that amount

(3) A

therein, wh

clamation i

and any person who may purchase the property at a sale held for the recovery of the amount stated in the certificate.

(4) Subj

taken against

stated in a cer

against, and no incumbrances created, grants made, or contracts entered into by him in good faith shall be rendered invalid by reason only of proceedings being taken against those interests

(5) A proclamation under this section shall be made by beat of drum or other customary method and by the posting of a copy thereof on a conspicuous place in or near the property to which it relates.

Saving of local laws relating to revenue

7. Nothing in the foregoing sections shall be construed—

(*a*) to in ', any other ena .nd-revenue or

(*b*) to authorise the arrest of any person for the recovery of any tax payable to the corporation, commissioner, committee, board, council, or person having authority over a municipality under any enactment for the time being in force.

Recovery in British India of certain public demands arising beyond British India.

8. When this Act has been applied to any local area which is under the administration of the Governor-General in Council, but which is not part of British India, an arrear of land-revenue accruing in that local area, or a sum recoverable as an arrear of land-revenue and payable to a Collector or other public officer or to a local authority in that local area, may be recovered under this Act in British India.

THE SCHEDULE

CERTIFICATE.

[*See section 3, sub-section* (1).]

From

The Collector of

To

The Collector of

Dated the of 18 .

The sum of Rs. is payable on account of by , son of , resident of , who is believed (to be at) (to have property consisting of at) in your district.

Subject to the provisions of the Revenue Recovery Act, 1890, the said sum is recoverable by you as if it were an arrear of land-revenue which had accrued in your own district, and you are hereby desired so to recover it and to remit it to my office at

A. B.,

Collector of

Appendix B.

Extract, paras. 2 to 5, from a General Letter, No 872, dated Lahore, the 13th June 1890, from F. A. Robertson, Esquire, Director of Land Records and Agriculture, Punjab, to all Commissioners, Deputy Commissioners, and Settlement Collectors in the Punjab.

2 The instructions in the footnote to the jinswár statement following rule 44 are a little ambiguous, as separate registers are not now kept for the "rabi" and "extra rabi" harvests This ambiguity will shortly be removed by the issue of orders by the Financial Commissioners.

3. I think the best plan to adopt is as follows. The numbers of the columns referred to are taken from the form following rule 44.

As soon as the abstracts for the rabi harvest proper are ready and have been signed by the field kánúngo (rule 40). The patwári should copy in all the figures for crops which occur only in the rabi Here no difficulty occurs. In the case of crops which occur in both rabi and extra rabi, he should enter the rabi figures in black ink at the top of the space for figures. The entries for the rabi in columns 12, 13, 14 should be made in the same way at the top of the available space. Columns 15, 16, 17 and 18 must be filled up after the extra rabi abstract has been prepared When these extra rabi abstracts are ready, the patwári should enter the figures for extra rabi crops immediately below those for the rabi in case the crops are of a kind that occur in both harvests, and in their own appropriate columns where they occur in the extra rabi only. In the first case, the tota should then be written at the bottom of the allotted space, and the rest of the statement can then be completed.

The columns for "totals," which includes both rabi and extra rabi crops, must be left blank till after the preparation of the extra rabi abstract.

4. This plan will obviate the necessity for the patwáris keeping up a copy of the jinswár rabi abstract, and will have the further advantage of showing the figures for the rabi and extra rabi harvests separately, but in the same register. Something much resembling this plan has already been adopted in one, at least, of the districts now under settlement.

5. Office kánúngos should follow the same plan with regard to the village registers or note-book kept up by them.

Circular Letter No. 6, dated Lahore, 8th July 1891, from F. A. Robertson, Esquire, C. S. Director of Land Records and Agriculture, Punjab, to all Deputy Commissioners and Settlement Collectors in the Punjab.

With the approval of the Financial Commissioner the following instructions are issued in connection with the working of the patwári and kánúngo rules for the guidance of revenue-officials.

Checking of jamabandis.

2. During my recent inspection tour my attention has been specially drawn to the fact that some diversity of practice exists as to the manner in which corrections are made in the duplicate ... kept by the patwári, of mistakes discovered by the ... under rule 126 The following procedure, which ... should be generally followed.

Field kánúngos' procedure in checking jamabandís.

3. When the field kánúngo in the course of his inspection, under rule 124 at the tahsíl, of any jamabandi discovers and corrects mistakes, as therein prescribed, he shall himself make a copy of the list of mistakes discovered and alterations made by him and shall sign it. The patwári will take this copy of the list with him when he comes to the tahsíl for his pay, and shall stitch it into his duplicate jamabandi, and shall make the necessary alterations in his jamabandi. The field kánúngo, at his next visit to the patwári's circle, shall see that the patwári has done this, and shall himself initial all the alterations so made. It is important that this procedure should be followed, inasmuch as the presumption of correctness given by Section 44 of the Land Revenue Act to annual records appertains to the copy in the patwári's hands as much as to that filed in the record-room.

Abbreviations in the abbreviated jamabandís

4. Attention is drawn to the possible abbreviations in the entries of abbreviated jamabandís. The directions on this subject are contained mainly in rule 62, the footnote to columns 6 and 7 of the jamabandí form following rule 60, and in para. *31* of Revenue Circular 28, page 139. With the reservations contained in these directions, *the present instructions permit the entries to be abbreviated in any manner which* may be found convenient. In all cases, therefore, in which no alteration has occurred since the preparation of the last detailed jamabandi, it will be sufficient in columns 4 and 5 of an abbreviated jamabandi to refer to the entry in the last detailed jamabandi, thus—"as in No. of the last detailed Jamabandi," and the words "detailed jamabandi" in vernacular in these cases can be reduced to "M. J." The entry would thus be reduced to "Dekho No M. J." When any alteration occurs which requires a change in the entries in columns 4, 5 and 6 from the last detailed jamabandi, the entire entry should be given in these columns, and this entry should be repeated in subsequent abbreviated jamabandís until the preparation of the next detailed jamabandi. Soil details of the area must always be given in column 7 of the jamabandi, whether abbreviated or detailed.

Disposal of quadrennial abstract statements

5. As some doubt has been felt on the point it is noted, for general information, that the Financial Commissioner has ruled that the directions contained in Rule 97, regarding the destruction of annual abstract statements, apply also to quadrennial abstract statements prepared under rules 63 and 67.

Amount of mortgage money not to be entered in jamabandí.

6. Attention is also drawn to the fact that the Financial Commissioner has ruled that the amount of mortgage money for which any land has been hypothecated should not be entered in the jamabandi, but only in the mutation register of the village in question.

Register of mutations, rules 47 and 49

7. It has been brought to notice that the manner in which patwári and kánúngo rules 47 and 49 under the Land Revenue Act are interpreted and carried out in districts in which large numbers of mutations occur throws a heavy burden upon patwárís and revenue-officials. The principles contained in these rules are too valuable to be abandoned, and the Financial Commissioner is not prepared to recommend any change in the rules at present; but in order to afford as much relief as possible to all officials concerned, the following procedure should be observed instead of that commonly in force or that directed in the Circular letter No. 14 of 25th June 1889, from the Director of Land Records and Agriculture, Punjab,

8. The patwári should make his entries in columns 1 to 13 of the mutation register as heretofore, but he should make no entry in column 15, "Reports and orders," and no report or order should be written by patwári, kánúngo, or revenue-officer upon the mutation register. Having thus filled up columns 1 to 13 the tpawári will proceed to copy these entries into one of the forms provided for that purpose. Upon this form he will write his report in column 15 for "reports and orders," and the field kánúngo will attest the correctness of the entries under rule 124, and will also sign the entries in the mutation register.

Rule 49.

The revenue-officer will then write his order also upon this form, and will carefully compare the entries on the mutation register with those in the form, especially those in columns 8 to 12 of the form at page 18 of the rules under the Land Revenue Act. He must in his order sanctioning the mutation, except where the entire holding is affected, in which case that fact only need be noted, enter with his own hand the serial numbers of all the fields affected and their total area, and will also with his own hand write on the mutation register kept by the patwári the numbers of the fields affected and their total area, thus—" dákhil khárij number falán, rakba falán manzur hai " This is necessary in all cases, except those of undisputed inheritance and partitions He will then sign his name to the entries in the mutation register and to the order on the form, which latter he will take away with him and make over to the office kánúngo for safe custody until it is filed with the next jamabandi

9 The forms on which the orders of the attesting officers have been entered should all be stitched together *at once* with stout thread, and then despatched to the office kánúngo; attesting officers are responsible for their safe custody until made over to the office kánúngo, and should be very careful to prevent their loss. No copy of any report by patwári or kánúngo, or of any order by the revenue officer, will be made upon the mutation register, which is retained by the patwári, beyond what has been directed above.

Forms on which mutations have been sanctioned how to be disposed of

10 Each office kánúngo should be directed to open a register, in which he will [illegible] containing the [illegible] opposite the village concerned the date, the number of mutation cases, and a detail of the serial numbers of these cases, and the number of leaves received. The register, which will be in the form annexed, will be supplied by the Director of Land Records and Agriculture, Punjab, on application He should also be provided with an almirah in which to keep these sheets, which he should keep in piles by field kánúngos' circles between thin boards tied round with tape or string. Within these boards the sheets should be arranged by patwárís' circles, those of each village being sown together. As soon as the jamabandís are filed the office kanúngo should make these sheets over to the field kánúngo to be attached to the jamabandi under rule 49, and take a receipt for them.

Office kánungo's duty with regard to mutation forms.

11. It is necessary that the mutation orders to be filed with the jamabandi in accordance with these directions should be permanently preserved. Accordingly it will be the duty of the tahsil office kánúngo, whenever jamabandís are sent in from tahsils to the Record Room under rule 97, to see that all mutation orders attached to the abbreviated jamabandís, which are destroyed after 12 years, have been detached from them and

Those with abbreviated jamabandis to be attached to detailed jamabandi by the office kánúngo

attached to the next detailed jamabandi with which they will then permanently remain He should note on the jamabandi that he has done so.

Forms in which mutation is refused how to be dealt with

12. In cases in which the mutation is refused, the revenue-officer should note this on the patwári's mutation register. The copies taken away by the revenue-officers in these cases should not be attached to the jamabandís, but should be made into files (kuhát) by the office kánúngo for each field kánúngo's circle, and these files should be sent into the Record Room where they will be dealt with in the same manner as other miscellaneous files.

Rule 47.

13. The copy required to be posted under this rule by the patwári need only be a copy of the entries in columns 1 to 13 of the mutation register. No copy of any report by the patwári need be posted under this rule

Copy of field map corrected to date to be annexed to detailed jamabandis, rule 61

14. It has been noticed that in several districts rule 62 is not properly carried out, and that, instead of a "copy of the field mas corrected up to date," being filed with detailed jamabandí as therein prescribed, only tracings of the fields which have actually undergone change, often on flimsy scraps of paper, have been filed The *Financial Commissioner desires that in future, in all* cases when detailed jamabandís are prepared, rule 62 shall be carried out, and that a "copy of the field map corrected to date will always be annexed to the detailed jamabandis" as prescribed in that rule.

Register of forms of Mutation Cases attested by the Revenue-officers and made over to Office Kánúngo for safe custody.

No.	Villages arranged according to their topographical order	Particulars.	1890 91. 1st time.	2nd time.	3rd time.	4th time.	5th time.	Total ?	Signature of field kánúngo.
1	Kamála . .	Date	15th Oct. '91	March 1892					
		Number of khátás .	12	24				36	
		Detail of khátás ..	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15.	2, 4, 16 to 37.				...	RALLIA RAM. *9th September 1892.*
		Number of leaves .	20	40				60	
2	Murádpur	Date	17th Octr ..	18th April.					
		Number of khátás .	3	8				11	RALLIA RAM. *9th September 1892.*
		Detail of khátás ...	40, 42, 44 . .	3, 10, 12, 9, 10, 11, 12, 13				...	
		Number of leaves ...	7	12				19	

is this. The patwári ... reasury and is not directly drawn upo ... tahsíl expenditure, or on patwári ... cheques on the tahsíl drawn by the Deputy Commissioner. These cheques cannot be debited against the tahsíl patwári fund income, nor can they be shown in the same account with that income by the tahsíl office kánúngo.

For the future, therefore, two accounts should be maintained by the tahsíl office kánúngo, one for the patwári fund income of the tahsíl; the second for the receipts and disbursements of monies received by cheque from the district office for the patwári establishment, &c

In the first account only receipts will be entered. One entry for the total receipts of each month will be sufficient. The form prescribed for receipts in the district kánúngo's patwári fund register should be used, the heading "Description of receipts" being substituted for "Tahsíl" and the instructions observed regarding the entry of an estimate of the income of the year at the commencement of each year's account. There will be a fresh account for each year.

The second account will be in the form of a cash book, showing briefly amounts received and amounts disbursed Detailed entries are not required as the acquittance rolls furnish all information required

Appendix C.

MANUAL OF LAND MEASUREMENT FOR PATWARIS AND PRIMARY SCHOOLS.

MEMORANDUM ON NEW LAND MEASUREMENT MANUAL

[illegible] fied. All difficult Persian and [illegible] not been put in, except [illegible] applied as a practical test. [illegible] and measurement, [illegible] nitions, instead of being an assistance to the learner, are an obstacle. [illegible] Geometry has been introduced than is absolutely necessary for the work [illegible] patwári will have to perform It will be observed that even the term [illegible] been used, not being wanted In the square system the patwári has [illegible] with any angles but right angles, and all the necessary properties of [illegible] right angled figures can be explained without bringing in any other term [illegible] well known one of *Umud* or perpendicular In the plane table [illegible] in hilly tracts, the patwári does no doubt lay out angles of various [illegible] clination, but he does so unconsciously; all that he has to [illegible] he need be told, is to draw lines in the direction of objects [illegible] being found by the sighted rule. The simplified system of [illegible] quadrilateral figures, which have now been sanctioned, [illegible] distinguish between rhombus, rhomboid, trapezium, trapezoid, [illegible] terms for which are hard Arabic words It has certainly [illegible] term *mustatil* (rectangle), no easier word being available, [illegible] course indispensable But all other quadrilaterals are spoken [illegible] as four-cornered fields (*choukona*). All triangles are [illegible] fields (*tikona*), [illegible] perpendicular [illegible] have more corr[illegible] corners, rather than the sides, are counted, because [illegible] generally speak in this way, and because there are no [illegible] and patwáris [illegible] shape in terms of the number of sides. For four-cornered [illegible] easy word *choukona* But for four-sided, we should [illegible] azla." There is, in fact, no good general term for side. [illegible] could find, and this has been used, but it is not so [illegible] *Zila* is not desirable, but must, we think, be used [illegible] squares, though not for the side of a field. The word [illegible] paper, and is inapplicable to a line on the ground. The [illegible] *lain)* is [illegible] therefore [illegible] field. [illegible] on the [illegible] for a line [illegible] been in [illegible] *Kur* [illegible] only th[illegible] has been called *gaz*, not *Karm*, as it does not appear [illegible] idiom to call the rod itself a *Karm*. The patwáris [illegible]

this way of speaking. *Zanjir* has not been used for chain, *Jarib* being so much better known that it cannot practically be displaced The fact that in Peshawar and, perhaps other districts *Jarib* is applied to square as well as to linear measure, does not seem likely to cause confusion. In such districts the chain is probably called by some other local name But for the great majority of Punjab districts *Jarib* is the only suitable word, unless we prefer *Jeori*, which is not quite correct.

But while the book has been made easier in style and phraseology, and difficulties of various kinds have been removed, more has been done than before in the way of giving reasons and proofs for the methods prescribed. This will, it is hoped, make the book more suitable for educational purposes and none the worse for the patwári. A convenient approximate method of finding square roots by means of a table of square numbers has been given in an appendix. The system of calculating areas has been much simplified, and has been brought within the comprehension of the ordinary agriculturist An effort has been made in the chapter on mapping to show a patwári when and how he may avoid unnecessary chaining; what sort of short cut is allowable and what is not If the patwári were to find the corner of every field with the cross-staff, chaining along the line of the square and along the perpendicular from the cross-staff to the corner required, and were then to chain the diagonal and the offsets to each corner of the field, and finally the lengths of all its sides, he would [illegible] ...htwar work in addition to the great [illegible] and record of cuttings. He would [illegible]. Even if the interest of Govern- [illegible] heavy tax which would be laid on the zamindárs for chainmen's wages, the loss of their own time in attending and assisting in the measurements and the great damage which would be done to standing crops by the passage of the chain and three men with it through every part of the [illegible] work The Financial Com- [illegible] perpendiculars by scale In [illegible] the map the dimensions of [illegible] permission of the Financial Commissioner, and it has, therefore, not been prescribed in this Manual. It will be easy to add this direction by a departmental order in any district in which it is thought that it cannot be dispensed with But the best policy appears to be to devote all attention to making the patwári plot correctly. If he can do this the entry of side dimensions is superfluous If he cannot, the map will not be consistent with itself; [illegible] it will not always be the [illegible] o. When the writing of [illegible] pay insufficient attention to correct plotting on the mistaken belief that all can be set right by putting in the side dimensions. Neither for the plotting, nor for the area calculation, *nor for relaying* [illegible] ndary will be best [illegible] *the perpendiculars* [illegible] be right shape and area, while any reliance on side dimensions will be likely to have a different effect. For instance, if there be a pillar in the middle of a line, 19½ karms long, it may be shifted 4 karms off the line without disturbing the side dimensions, for either side will still measure 10 kadams as recorded The chaining of the sides of fields should be used only as a check on the plotting of their corners, and with ordinary *skill and* [illegible] save time. Several practical hints are given in [illegible] Shajra or Field Map has been reduced to 4 squares, [illegible] A map of any larger siz[illegible] ...ore- pore the *Khaka* has [illegible] may serve as an Index map, and this is the name which has been given to it in English Machine-ruled sheets are used, in which (except in very large villages more than 16

squares in length) a *square* is given to every *sheet* of the Field Map and is divided by pencil into 16 sections The squares are numbered serially as they are made, because the principle in Ferozepore is to write up the Register of Cuttings as the square work proceeds The index Nos $\frac{A}{1}, \frac{B}{1}$, &c, are reserved for the map sheets It is for these, and not for the squares that the Index will be permanently required. These numbers are given when the square laying is complete Each sheet of the map will have its Index number marked on it The rules for plotting and finding the areas of curvilinear figures are new Some subjects which were considered too technical for school use have been relegated to appendices These are mostly new. Some remarks have been given on measurement by stepping. The chapter on hill measurements cannot be said to be so well based as the rest of the book on practical

veloped or altered by a Settlement district The mode prescribed for , and in case it should be found in nterpolation without the use of the

magnetic compass has been given, patwáris not being supplied with compasses. It has been found by experiment that, with stations as far apart as they can be, if the patwari is to have three of them on each mapping sheet, the position of the table can be found by this method within a kadam or two. Its results are better than those obtained by prismatic compass It has been made a rule throughout never to refer to instruments not issued to patwáris All demonstrations which depend on drawing circles with a pair of compasses (of which there are of course many in most mensuration books) would be inadmissible for this reason In the English version it will, of course, be impossible to combine the diagrams and figures with the letter press. They have, therefore, been drawn on separate sheets so that these may be lithographed.

The Committee think it might perhaps be found a useful aid to the teaching of land measurement in schools to let the boys practise the lessons on a small scale, with a set of miniature implements, in some neighbouring piece of waste land. The chain might be one-fifth of the real size The plotting scale and the map would be full size. The instruments would cost about Rs 2 Fancy fields could be marked out to be surveyed, mapped and computed as if the divisions on the miniature chain were real kadams.

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MEMBERS OF COMMITTEE.

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INTRODUCTION.

Object of this Manual

1. This Manual is intended to teach the simplest means of making a map of a village or other such tract of land and of calculating the area of each of its parts.

Nature of a map

2. To make a map is to draw on paper lines which shall properly represent all the boundaries of the land and of each part of it.

CHAPTER I.

LINES AND LINEAR MEASUREMENT

Straight Lines.

3 A line is said to be straight when the whole of it has the *same direction*, or points the same way

4. The question whether it all has the same direction may be tested by simply [illegible] the same direc- [illegible] of the line has [illegible] line or by moving the eye, be made to cover every other part of it. But if the line is crooked all parts will not come into the same direction, and some points will be covered while others will not

To test the straightness of a scale or rule.

[illegible] a sheet of paper and draw [illegible] over, or turn it round, and [illegible] along the edge of the ruler [illegible] the other part, then the crease will be a straight line.

Units of length.

7. The length of lines on the ground is reckoned by means of some fixed unit, as a foot or link, or a kadam, &c., and for measuring land a chain is made of an exact number of such units.

8. In the Punjab Revenue Department the following units of length are used. They are all called kadam. The chain always consists of ten kadams, but in a hilly country it is sometimes more convenient to use a half chain :—

District.	Length of kadam.	Length of chain.	Remarks.
BIGHA MEASURES.	Inch.	Ft. In.	
1. Delhi, Rohtak, Gurgáon, Hissár, Ludhiána, Umballa, and Karnál	* 57	47 7½	* The exact length is 57·157.
2. Simla	54	45 0	
3. Kulu and Plách in the Kángra district	56	46 8	
GHUMAO MEASURES			
4 Jullundur, Hoshiárpur, Kángra (except Kulu and Plách), and the Shahpur hill circle in Gurdáspur	57 5	47 11	
5 Amritsar, Gurdáspur [(except Shakargarh tahsíl and Shahpur hill circle and Chak Andar, Pathánkot tahsíl, Ferozepore (except Fázilka), and Lahore (except the part of the district north of the Rávi)	60	50 0	
6 Chak Andar in Pathánkot tahsíl and tahsíl Shakargarh of the Gurdáspur district, the part of the Lahore district north of the Rávi and all districts not named above	66	55 0	The ghumao, in this instance is equal to the English acre, and twelve kadams are equal to a Gunter's chain.

The Chain

9. The chain is made of links of round iron, of which there are 8 to the 66 inch kadam and 7 to any of the shorter kadams. The links are joined together by single rings. The middle of the chain is marked by a lozenge-shape plate of brass 3 inches long, and each kadam by a square plate 2 inches each way. Each plate is attached by one small ring to a ring of the chain. At each end there is a handle

How to test the length of the chain.

10. The patwári is furnished with a pair of iron rods of exactly the length of the standard kadam to be used by him. With the aid of these rods he has to keep the length of his chain correct. He should lay down a permanent chain-length

(adda) on a smooth piece of ground, each end of this chain-length being marked by a peg driven deeply into the ground so as to leave only about one inch exposed. The pegs should be of the same size. The chain-length is measured by placing the two rods on the ground at length with the ends touching closely, and then removing the rear rod to the front of the other one, and so on, until ten kadam-lengths have been measured, taking care to measure in a perfectly straight line The head of one of the pegs should be included in the measured length, and the head of the other should be excluded, so that the true distance of 10 kadams is from the outer face of one peg to the inner face of the other. If in driving the pegs they get too far apart, cut a little from the outer faces of both of them If they get too near together, cut from the inner faces.

11 The measured length being once accurately laid down the chain will always be tested by it as follows —

The handle at one end of the chain is placed round (or over) the head of one of the pegs, and the chain, after being well shaken out, is stretched as tight as the chainmen can usually pull it in actual work. The further or outer edge of the handle at the other end should then just touch the inner face of the peg Thus the thickness of one of the handles is included
thickness of the other handle is excluded
by opening or closing the joints of the rings
more than ¼ inch from the standard.

To chain a straight line.

12 In order to chain a straight line two chainmen are required, who hold the handles at the ends of the chain, and a third man should hold up the middle of the chain so that it may not drag along the ground The front chainman takes with him ten iron spikes.

13

i that and the
nt or behind,

the ground at the foot
, keeping the two flags
handle on the ground
this handle. He will
ear man comes to the
ie inner edge of this
ied by the outer edge
position of the spike.
, will pull the chain
calling "Two"! The
s, for the thickness of
one of the handles of the chain has been included in this distance, but not that of the
up the first spike.
ded, the rear man
. . . and will send the

tenth one also as soon as it comes into his hands The counting can always be checked by seeing whether the number called agrees with the number of spikes in the hands of the rear chainman, *plus* one spike in the ground.

15. When the end of the line is reached, the front chainman will place his handle on the ground at the end mark, and the kadams from the end to the last spike in the ground will be counted backwards and added to the number of kadams in the whole chains measured. A portion of a kadam less than one-half will be neglected, but a portion more than a half will be reckoned as a whole kadam.

16. On level ground, if chaining be done carefully, there should not be an error of more than half a kadam in 1,000 kadams.

17. Flags must always be planted upright, and this can be done by making the toes of both feet touch the butt of the flag, and holding the staff so as just to touch the nose when the man stands at his full height.

Measurement of straight lines on paper.

18. On a map lengths are shown on a reduced scale, as 40 kadams to the inch, 80 kadams to the inch, &c For the purpose of measuring lines on paper, the patwári is supplied with a scale of the pattern shown in figure No 2, divided into inches, and some of the inches also divided into twentieth parts of an inch. It is determined whether each of these parts is to represent one, two, or more kadams.

19 In using the scale to measure a line, place one of the inch marks—0, 1, 2, &c —at the right hand end of the line to be measured, so that the other end of the line may fall within the last inch to the left. To the numbers of kadams contained in the whole inches to the right of zero, add the number of kadams shown by the divisions to the left of zero. Thus, suppose the scale to be 40 kadams to the inch, and that the 2-inch mark is at the right end of the line and the left end is half a division beyond the fifth division on the left side of zero, then the two whole inches represent 80 kadams, and the five and a half divisions to the left of zero represent 11 kadams. ... 91 kadams If you want to measure 91 ... tain point, bring that point to the place fo ... 1 line.

CHAPTER II.

PERPENDICULARS.

20. When one straight line meets another straight line, and does not incline more to one end of that line than to the other end, the first line is called a perpendicular to the second line.

21. If a straight line be drawn on a sheet of paper, and the paper be folded so that one end of the straight line may meet the other end exactly, and the paper be then creased flat, then the crease (which by section 6 is also a straight line) will be perpendicular to the first line.

Cross-staff.

22 The simplest instrument for the purpose of laying out a perpendicular on the ground is a cross-staff, which consists of a slab of wood about 8 inches broad, fixed, like a small table, on the top of a stake Across the slab two groves, exactly perpendicular to one another, are cut with a saw.

oint in a straight line, the place from which y flag on the line may

when the direction that saw-

line at which a pose, the straight n the cross-staff nd to be visible through the second saw-cut at the same time that the flags on the straight line are visible through the first saw-cut.

25 To test the correctness of a cross-staff, plant it in the ground and turn one of its cuts towards a flag, and place another flag in the line of the other cut. Then turn the second cut towards the first flag and see whether the first cut points exactly to the second flag If so, the cross-staff is right. If not, it requires correction.

26 The cross-staff can be used for finding a point on the straight line between two flags Plant the cross-staff between the flags, and, after pointing one of the cuts to one of the flags, go to the other side of the cross-staff and see whether the other flag comes into the same line If it stands off to one side of the cut, move the cross-staff towards that side until it is right.

27. On paper, perpendiculars are drawn by means of the cross lines on the scale shown in figure 2. To draw a perpendicular to a line from a point in the line, one of the cross lines on the scale is made to correspond with the line on the paper, and the edge of the scale is brought up to the point from which the perpendicular is to be drawn. A pencil is then drawn along the edge of the scale making the perpendicular.

be taken from a fixed point to any part of t would evidently increase the distance to

CHAPTER III.

RECTANGLE AND SQUARE.

30 Two lines which are both perpendicular to the same straight line, as in figure No 3, must have the same direction. Lines which have the same direction are called parallels Parallels never meet, however far they may be prolonged, but always remain at the same distance apart.

31 A line drawn perpendicular to the perpendiculars will be parallel to the original line

32. If a four-sided figure be formed by making two perpendiculars at the ends of a straight line and another line perpendicular to these two perpendiculars, as in figure No. 4, this fourth side will be parallel to the first side, and it will also be equal to it; for the distance between parallel lines is always the same, and for the same reason the other two sides will be themselves equal and parallel. Therefore any four-sided figure the sides of which are perpendicular to one another at each of the corners will have its opposite sides equal Such a figure is called a rectangle. It has at every part the same length and the same breadth

33 If the breadth be the same as the length the figure is called a square (*See* figure No 5) A square is, therefore, a figure of four sides, all of which are equal and which are perpendicular to one another at each corner.

34 *Diagonal* —A line drawn between the furthest corners of a square, rectangle or any other figure is called its diagonal

each other. (*See* figures Nos 4 and 5.)

CHAPTER IV.

AREA OF THREE-SIDED AND FOUR-SIDED FIGURES.

Unit of area.

t of length, so area is reckoned
of which the sides are equal to

37. The unit of length for patwáris' land measurements being a kadam, the unit of area is a square kadam In the case of the bigha measure, the square kadam is called a biswánsi, and in the case of the ghumáo measure, a sarsábi.

38. The following is the table of area measure —

Bigha measure.

20 Biswánsís	=	1 Biswa.
20 Biswás	=	1 Bigha.

Ghumáon measure.

* 9	Sarsáhís	... ... =	1 Marla.
20	Marlás	... ... =	1 Kanál.
8	Kanáls	... ... =	1 Ghumáon.

39. We will now show how to calculate the area of various shapes of fields We will write in the ghumáon measure, but the same principle will apply to the bigha measure.

Area of rectangle.

40 First take a rectangle. From the figures Nos. 6, 7, 8, it is evident that the number of . Thus, if áhís, and if it be 5 kadams long and 4 kadams broad it will contain 20 sarsáhís.†

Area of square.

41. In the case of a square, as the sides are all equal, the area is of course found by multiplying by itself the number of kadams in any side.

42 When a number is multiplied by itself the product is called its *square.* Thus as $4 \times 4 = 16$, so 16 is called the square of 4, and 4 is called the square root of 16 If the square be given the root can be found by arithmetic, or by the aid of the table of squares given in Appendix No. I. So that if the area of a square be given we can find the length of its sides.

Area of three-sided figures of which one side is perpendicular to another.

43. We have fon ... ien a rectangle or square is divided int ... area of such a three-sided figure is h... ...le or square as shown in figure No. 9, and, therefore, its area will be found by obtaining the product of the length of the two sides which are perpendicular to one another and dividing the product by two.

Area of any three-cornered figure or triangle.

44 Any triangle can be divided into two such triangles as will have two sides perpendicular to one another, for a perpendicular can always be dropped on the longer side from the opposite corner. We can find the area of each of these triangles separately by the above rule (section 43), and the area of the whole triangle is obtained by adding them together.

...0. On the scale of 40 kadams to the ... a perpendicular from the opposite ... and the perpendicular is 50 kadams ... of this perpendicular will be half

* Thus the area of a square of 3 kadams each way will be one marla. As 3 kadams are called a kân, so a square kân is a marla. In some districts 2 kanáls, and in others 4 kanáls, are called a bigha.

† In order to make the figure plain, it has been drawn on a very large scale, viz., 4 kadams to the inch, which is ten times as large as usual.

To map a single field.

57. Now suppose we wish to map a single field, as the four-cornered field in figure No 19. If we chain all round the field, we shall find the length of all the lines which *form its boundaries. But this will not be enough to enable us to draw the* shape of the field. For instance, if the sides be found to be 67, 45, 57 and 33, we shall in the first place find it difficult to make a shape into which all these lengths will fit, and if we succeed we shall not, except by accident, get the true shape of the
have been of the shape in figure No. 19, and we
In this latter the sides are of the right length,
rong and the field has been made too broad and
its area has also been made too great

58. It is necessary to fix the position of the corners of the fields. If a line be fixed, and the perpendicular distance of a point from a certain place on that line be known, the position of the point is fixed. Begin, therefore, by taking a line between those two corners of the field which are furthest apart, for from such a line perpendiculars can be drawn to all the other points. This line will be the diagonal of the field Plant flags at these two corners and chain the line between them. Then take the cross-staff and find at which point on this line the perpendicular from each of the other corners will fall. Chain from the end of the line to each position of the cross-staff, and also from each corner to the position of the cross-staff.

59 ... 1), if we chained
from the ... irst position of the
cross-staff ... , and the lengths
of the two perpendiculars are 23 kadams to the south and 19 kadams to the north respectively. The whole length of the diagonal is 91 kadams If a line of 91 kadams be now ruled on paper, and a perpendicular be set off with the scale to the left side at 39 kadams from one end and made 23 kadams long, and another perpendicular be set off to the right side at 64 kadams and made 19 kadams in length, then by joining the ends of these perpendiculars with the ends of the diagonal we shall get a drawing of the field in which not only will all the sides be of the proper length, but the field will be of the proper shape in every respect.

60. For convenience in setting off perpendiculars to the right and left of a line, as done above, the two middle inches of the scale (*see* figure No. 2) have been divided into parts like the first inch.

rocedure will be followed. Take
rs which are furthest apart, and
corners. For example, see figure
No. 22.

62. In the above sections we have assumed that the sides of the field from one corner to another are straight. But the sides of fields are often crooked or curved. Thus in figure No. 23 B C and A E are curved, and E D is crooked, but contains no distinct corners.

crooked line D E
d that the devia-
about 2 kadams.
But the patwári must stand at D and, looking towards the flag at E, he must see

that the deviations are not really greater than 2 kadams. He should observe where the straight line from point to point cuts the boundary and how much deviation there is in each part of the line. He can then draw the line accordingly without making any separate measurements

64 So with the curved line A . from the straight line, and we can upright against the edge of the will give a mark about 2 kadams the mark so made

65 But this plan will not do for a curve like B C. In this, as there are no natural corners, we must assume points to take the place of corners, and we should take them so, that, in going straight from any one to the next, we may never deviate *more than 2 kadams from the actual boundary. The patwári will walk along the* boundary, and, looking back to the point whence he came, when he finds the deviation has reached 2 kadams and will increase if he make a mark or plant a flag, and should mark, until he has to make another stop. *intermediate points sufficient—as x, y and z—* then to y and then to z, and finally from z to C, he will never be more than 2 kadams from the actual boundary. He must now fix the positions of x, y and z in the same way as any other corners But in drawing the boundary from one to another of these points he will be careful to give it its proper curve as it is on the ground.

66. The chain will always be pulled straight from point to point and will not be taken along the curved boundary.

CHAPTER VI.

SQUARE SYSTEM OF SURVEYING.

Square System.

67. We have now described how a single field may be mapped. If an area containing many fields has to is different. The system used system, which may be thus ex be divided *into equal lengths,* set off, and in addition other perpendiculars be drawn across these at the same distances, the ground will all be divided into squares, and every place in the village can then be fixed in its proper position with reference to the sides of the squares. Under this system, as the squares in each village are all of the same size, it is usual to issue to the patwári map-sheets accurately ruled into squares. The squares generally used are squares of the map on the scale of 40 karms the land into squares of which each fore, we have to show—first, how a system of squares can be accurately laid out on the ground; and, secondly, how the lines laid down can be conveniently used to assist us in mapping the fields.

68. Applying the results stated in sections 54 and 55, we shall find by arithmetic, or by the aid of the table in Appendix I, that the length of the diagonal of a square of 200 kadams will be about 282⁶⁄₇ kadams. If we measure two lines of 200 kadams each from the same point, and the diagonal across their ends is 282⁶⁄₇ kadams, these lines will be perpendicular to one another, otherwise they will not. We can by ordinarily careful chaining ascertain within about a foot whether the diagonal line has this length or not, and by this means we can ensure perpendiculars being laid out correctly.

Practice of square laying.

69. To lay out the squares on the ground is a very easy matter, and it can be done with great accuracy. A base line of 600 kadams in length is chosen running through the middle of the village, either N and S, or E and W, as near as the patwári can judge the points of the compass. This should pass through smooth ground, and there should, if possible, be open, smooth ground for 200 kadams all about it. In the line of the base itself there must be nothing to obstruct the view or to prevent chaining.*

70. The base line will be laid out as follows:—Two flags having first been set up at a distance of about 200 kadams apart, take a flag in your hand and walk about 200 kadams beyond one of these flags. Then look back, and get the two first flags exactly into line so that they look like two pennons on one staff. Then plant your flag carefully in the line between your eyes.

Register of Cuttings

71. Now before the patwári goes any further, he must prepare a Register of Cuttings showing the distances at which any chain line cuts a field boundary, for it is on this register that the use of the squares for mapping purposes chiefly depends. The Register of Cuttings is in the form shown at page 274.

Index Map.

72. The patwári will also have a sheet of paper ruled with pencil into small squares, on one quarter the scale of the squares in the field map, to serve as an index to the squares.

Square laying continued.

73. He will now measure out 200 kadams with the greatest care, and perfectly straight, in the middle of the line of flags, so as, if possible, to have the ends of this line in waste ground, or somewhere where marks will not cause inconvenience and will not be disturbed. He will choose a square about the middle of his Index Map and write in it the figure I, and one side of this square he will ink, and will make marks at the ends of it as in [illegible] 4. He will also write the points of the compass [illegible]ording to the directions of his base line. Now in [illegible] of Cuttings for square No. 1, let him write the number of kadams at which each field boundary was crossed in chaining these 200 kadams. It is convenient to note also from which end the line was chained by writing at the head of the column the words "From E," "From W," and so in all other cases, as is shown in the specimen at page 274. Also mark roughly in the Index Map any road or path which was crossed, or any well or other

* If the village is a small one it may be better not to make a separate base for it, but to protract the squares of an adjacent village, and where a village is liable to diluvion it will often be expedient to protract the squares from a village which is not liable to diluvion

important object which was passed, as shown in the specimen Index Map. The distance should be gone over twice to verify it, and then large pegs, 2 feet long, will be driven in at each end of this distance, and trenches, 1 foot deep and 1 foot wide, will be dug round them at a distance of one yard. Then measure 200 kadams more both ways in the same straight line, ink these lines in the Index Map and mark any large objects which are passed Give the numbers 2 and 3 to the squares to the right or left of No. 1, and write the
Nos 2 and 3 in your Register of Cuttings.
ends of these two lines the same as the first
possible be replaced by brick or concrete blocks, the others are only temporary.

74. We have now formed a base line for 3 squares, and have next to set up perpendiculars on it At one of the middle marks, as at A (see Index Map), put up the cross-staff and send out a flag in a perpendicular direction to a distance of about 200 kadams. To correct any error there may be in the cross-staff, turn it round one quarter, and try the other cross-cut also in the manner described in Section 25. If there is any difference, take the mean position for the flag. Then chain 200 kadams exactly as A K Record the cuttings in the 3rd column of square No. 1, and in the 6th column of No 2 make a dot. Ink this line in the Index Map. Next, measure the distances K C and K B. Their length should be exactly equal, *viz.*, 282⅘ kadams. The diagonal which runs from the north-west of a square to the south-east is distinguished as diagonal No 1, and the other as diagonal No. 2. Therefore record the cuttings on those diagonals in column 7 of square No 1 and column 4 of square No. 2.

75 If the diagonals are not quite of the proper length at the first attempt, then the excess in one should be equal to the deficiency in the other; otherwise there is some error in the lengths of the base or of the perpendiculars, and this should be corrected. If the errors are equal and opposite they can be corrected as follows:—

Suppose one diagonal is 5 links too long, and the other is 5 links too short, then move the flag 7 links towards the side of the
take care not to alter the distance from the
correction will be in this proportion to it—that
diagonals, move the flag 7 links. Having corrected the diagonals verify them by chaining again Then mark the end of the perpendicular by a peg, and trench as before described

76 Afterwards proceed in the same way to lay out and verify a perpendicular. B L, at the other end, B, of the base. If the work has been done carefully, the distance between the ends, L and K, of the perpendicular will be exactly 200 kadams. The square is then complete

asure out 200 kadams, as A. M,
always seeing that the flags are
diagonals M B, M C, as above

now been made, which may be numbered 4, and the squares on each side of it 5 and 6.

78. Four more squares can speedily

In the same way fix T, and
site side of the base.

79. Having now got a block of 6 squares we can extend it in all directions until the boundary of the village is reached. The extension should go on uniformly all round, and not on one side only. Put up two flags at two of the points already fixed in the direction in which you wish to extend the square work, as A C, and chain outwards in this direction, as C Y. When you have chained 20 chains, measure the two adjoining diagonals, S Y, Y Q, and if they do not come right make the correction required Then run out the next line, S H, and verify it in the same way. Last of all chain the fourth side, Y H, of that square. Go on in this way until the village is finished. Be careful to keep up the Register of Cuttings and the Index Map as you chain each line.

80 Remember that it is no test of a square that its diagonals are perpendicular to one another where they intersect, for this will always be the case in any four-sided figure of which the sides are all *equal*, even if they be not perpendicular to one another. Nor is it sufficient that the diagonals be equal, for this is the case in every rectangle (section 35). Nor is it sufficient that they bisect each other, for this is the case in every figure in which opposite sides are parallel. They *must both be of the proper length.*

Test of a correct square

Obstacles

81. In the course of laying out squares, it will often happen that an obstacle—such as a pond, canal, village, grove, or mound—intervenes. If you possibly can chain over or through this, do so. If the back flags cease to be visible, put up intermediate flags or use taller flags.

82. If this will not do, but you can chain a line a little to one side or the other, you may proceed as in figure No. 25. When you get up to the obstacle at A, lay out a sufficient perpendicular with the cross-staff, as A B, and also lay out an equal perpendicular at not less than 50 kadams further back, as C D. Then in the line of flags at D and B set up the cross-staff at F, just beyond the obstacle, and lay off a perpendicular, F G, equal to A B and C D, so as to get back into the line of C A Also at E, in the same line D B, not less than 50 kadams beyond F, lay off another perpendicular, E H, of the same length.

Now, after chaining up to A, chain B F, which will be equal to A G; and then go to G and proceed with the line in the direction of H.

83. If the obstacle is a larger one, like a village, filling up nearly the whole ... ines which would have run through it, and ... Thus aft ... uares Nos. ... buildings are situated and proceed with squares Nos. [illegible] Nos. 11 to 19 on the other. Then chain across, as at x z, in the Index Map. If the length of x z comes right, and the line of flags v w x is straight with the line u z, then the work is right, and a mark being fixed at the proper place between x and z, the square work can be continued as squares 22 to 27, &c. But after this you must chain back, from the squares you have made, up to the boundaries of the habitations in squares Nos. 20 and 21, so as not to omit any of the cuttings.

... quired points on- ... 26, the point 9, ... by going across the nullah and moving about until flag No. 10 is in line with flag No. 4, and at the

same time flag No 3 in a line with flag No. 11. So the point 8 can be fixed by aligning flag No 12 with flag No 3, and No 6 with No 4, or No 14 with No 2. The distance 8—9 can then be verified by chaining, and a square can be made up on it. Other points, as 7, can be fixed in the same way, and the square work can be continued on the opposite side, as shown by the dotted lines, and on both sides up to the edge of the water. Great care must be taken when points are fixed by aligning flags that the flags may be quite upright. Cuttings must be recorded. Extra large and high flags may be required in this operation, and they can be kept upright by ropes and pegs like the pole of a tent.

Method of showing position of centres of survey trijunction pillars.

85. When laying squares in a village, the position of centres of trijunction pillars, or of any other stations of the Revenue Survey Department, will be carefully fixed by means of the cross staff by taking perpendiculars to them from the nearest side of a square. The position of the station will be roughly marked in the Index Map, and the length of the perpendicular and the distance along the side of the square from the peg up to the place whence the perpendicular was taken will be written as in the specimen Index Map.

CHAPTER VII.

TO PLOT FIELDS ON THE SQUARE SYSTEM OF SURVEYING.

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86. Having completed the square laying with the Index Map and Register of Cuttings, the patwári will see from the Index Map how many of the ruled mapping-sheets with which he is provided will be required for the whole map. He will mark on the Index Map by double lines the limits of each sheet (masávi), and will number the sheets by letters A, B, C, D, &c., from side to side and by figures, 1, 2, 3, 4, &c., from top to bottom, as in the specimen Index Map given at sheet No 4. By means of this numbering each sheet can be distinguished, and the same lettering and numbering should be marked on the map sheets themselves thus $\frac{A}{1}$ $\frac{B}{1}$ $\frac{B}{2}$.

87. He will begin with the sheet which is furthest to the north-west. He will take a mapping-sheet and draw with pencil the diagonals of as many squares of that sheet as will be included in the map. He will then find in the Register of Cuttings the distance to each cutting on the sides and diagonals of each square, and, applying the scale to the sides and diagonals of the same squares in the mapping-sheet, he will make a small mark in pencil across the line at the proper number of kadams from the point whence the chain started—see the unfinished map at sheet No. 5. Care must be taken that no mistakes are made in this part of the work, for the points so marked are the foundation of the map.

88. The patwári can now begin mapping. We will suppose he has to map the fields contained in the four squares shown at sheet No. 6. The cuttings of these squares are given at page 274. Diagonal No. 2 of square No. 39 had to be omitted on account of the village and pond. So also diagonal No 2 of sq[uare] No. 42 could not be conveniently chained on account of the line of the rájbaha. [...] the cuttings on both sides can be noted by the aid of the flags at the south [...] and in the middle of square No. 40. At other places the ch[ain] [...] taken [...] rájbaha, the width of the water in which is only 25 feet [...]

89. Flags should be placed at the north east and south-east corners of squares No. 41, and at the remaining corners of No. 42; also a flag where the diagonals of each of these squares cross one another. These places can be found by the aid of the cross-staff in the manner explained in Section 26. Another flag will be required in the middle of the side between these two squares, so that the patwári may at once be able to find the place of the line on the ground by seeing when two of the flags in either direction fall into line. If there are many trees or high crops, so that flags cannot always be seen at distances of half a side or half a diagonal, some intermediate flags will be required, otherwise these flags will be sufficient to begin with. As the work proceeds flags will be moved to the corners and centres of the two lower squares.

90. First take field No. 1, mark the four corners of the field by four stakes sufficiently high to be seen above the crops. Do not use the regular flags for this purpose, but keep them for the corners and centres of squares.

The north and south sides of this field cut the side between the two squares, *and the position of these cuttings has been already fixed. But it is required* to fix the position of the corners of the field. You will observe that there is a perfectly straight field boundary from the north-west corner of this field to the tri-junction pillar in field No. 3. Now the position of this pillar was taken when the squares were made and was recorded in the Index Map. It is at a perpendicular distance of 16 kadams from a point 69 kadams from the corner of the square. It can therefore now be marked on the map by the aid of the scale (*see* section 27).

The two cuttings—one at 152 kadams on the side of the square, and the other at 237 kadams on the diagonal—should fall into a straight line on the map with the position of the pillar.

91. Now the north-west corner of the field might possibly be fixed by prolong-
. But it is not a safe method to
the map, for there may be an
...e cuttings, and this would give
a wrong direction to the l
means of the cross-staff fr
whole line can be drawn
on the line will come right
the square. Then
line the intermedi.
which the north-w
3 kadams north from the cutting
59 kadams. This point is then

a greater length of chaining.

93. The south-west corner will be found in the same way by the cross-staff, and the west side of the field will be drawn. The north east corner will be found by chaining from the cutting at 152 kadams along the boundary up to the corner. This distance is 15 kadams, and the corner will be marked ... ordingly. The south-east corner will not be fixed by the cross-staff because it is ... ate point on a line which is seen to run straight. The position of the ... r, the cutting on the side of the square at 117 kadams, and the ... 203 kadams,

fix the direction of this line The patwári rules a line from one cutting to the other; he chains from the first cutting to the corner of the field, finds the distance to be 26 kadams and marks the corner accordingly, and draws the east side of the field. The ends and the remaining parts of the longer sides of the field are then chained as a check on the plotting, and their lengths by scale on the map are compared with the number of kadams chained. In chaining the south side, note that the corner of another field is met with at 20 kadams from the west, another at 23 kadams further, and another at 4 kadams further, and mark these points on the map In field No. 2 the north-east corner is at once found by chaining along the north side from the cutting or from the pillar
ting of fields Nos 4 a
be a straight line to
when the south-east
as the cuttings at ka...

94 If there had not been a straight line to the cutting at 161 kadams, this ... and ... have

95 Chain the south side of the field and mark on the map the points where the boundaries of other fields touch this side

The position of the earthen pillar at the east corner of No. 3 will be found by cross-staff from the diagonal, and the south corner by chaining along the line, which has been already drawn in the map. The south-east side of this field is not straight, but the deviation does not exceed 2 or 3 kadams, and the curve may, therefore, be sketched by hand

96 ...
lands ...
one ...

97. The south-east ...
the cross-staff, as it is only ...
corner of this field will not ...
from the south-east corner of No. 4 to the farther corner of No. 7. A stake will be planted at the corner of No 7, and its position will be found by the cross-staff, the corners of Nos. 4, 5 and 6 will then be found by chaining along this straight line. You have already obtained the north ends of the boundaries between these fields, Nos. 4, 5, 6 and 7, and you observe that the boundaries run straight. You therefore join the north and south ends on the map.

98. The boundaries of these numbers being shown in broken lines indicate that, though known to the zamindárs, they are not visibly marked on the ground.

99. The south corner of No. 8 will be fixed by cross-staff The west side of the field can then be drawn by hand. Then the corner of No. 10 on the edge of the roadway is found by cross-staff, and the south end of the line between Nos. 9 and 10 will

100. But No. 9 may be plotted in another way. The south-west corner being found, and the north-east corner being already known, the diagonal of the field between these two points may be drawn and the three nearer corners on the west side

may be plotted by perpendiculars from the diagonal. Of the two remaining corners on the north-west, one has already been fixed when plotting field No. 1. The other may be fixed by prolonging the perpendicular of the corner nearest the square line as far as the further boundary of the field, and by taking a short perpendicular to the corner from this perpendicular.

101 The corner in the middle of the west side of No 10, where the road bends, is fixed by cross-staff, and then a straight line is drawn from this point to the north corner of No. 12, which has already been marked The width of the roadway being chained at the corner and at both ends, its west side is drawn accordingly, regard being had to the cutting already marked at 53 kadams. Its south end is fixed by the aid of the cutting at 42 kadams, the boundary of the waste land to that cutting being nearly straight.

102. The patwári will now proceed to draw the east sides of Nos. 13 and 15 and the west sides of Nos 12, 13, and 15 For this purpose he finds it best to first draw the north side of the Government road, No. 17. The west end of it is fixed by cross-staff, and, as the road is seen to be perfectly straight, a line is ruled through all the three cuttings Then the whole side of No 17 is chained and prolonged on the map from the third cutting up to the canal, and the points where the boundary of other fields touch are marked. The road is broken into two numbers by the canal, as the bridge belongs to the Canal Department Nos 12 to 16 are then finished without using the cross-staff; thus the east side of No. 16 is drawn first; then No 12 is finished; then Nos 13 and 15, and lastly No. 14 When fields are plotted in a block in this way they will be numbered after the block is finished. The curve in the west side of No 16 has to be drawn correctly and the boundary pillar marked in its proper place Complete No. 17, first drawing its west end by the help of the cutting at 87 kadams.

103 One of the southern corners of No 18 and one of the corners in the northern side of No 20 are fixed by cross-staff If a perpendicular be taken from the cutting at 52 kadams in the south side of square No 41 to the point in No. 20, the point in No. 18 can be found by the same operation The others will be easily obtained if the canal line be first plotted The limits of the waste in No. 22 have to be drawn in the same way as if it were a separate number. This can be done by chaining down the east side of square No. 40. The southern curve of the rájbaha is drawn by hand by aid of the cuttings The two southern corners of No 24 can be found by chaining the north si [illegible]
found fi [illegible]
drawn, [illegible]
made by perpen [illegible] in No 9. The eastern part of the canal is drawn [illegible]. A point in the middle of the curve adjoining No. 25 [illegible] If there is no mark there a stake will be used.

104. The cross-staff is required for only two or three points in Nos 26 to 30, and for about 20 or 25 points in the rest of the map. The curves in Nos. 53 to 56 are all fixed by the aid of the cuttings. The limits of the pond in No 57 have to be drawn, but it is not necessary to be very minute in such a matter. It is sufficient to fix 4 or 5 principal corners and sketch the rest.

105. In No. 39 only that part is occupied by houses in which marks indicating houses are placed. The rest is land attached to the buildings.

106. The fields Nos. 46, 49, and 50 are encroachments made by the owners of Nos. 45, 48, and 51 on the common waste, the proper limits of which being known from the former settlement papers, the encroachments are separately measured, and their limits are shown by broken lines to indicate that there is no boundary visible on the ground at this place.

107. The large block of waste is divided into numbers corresponding to the limits of squares. The dividing lines not being natural boundaries visible on the ground are drawn in broken lines.

108. No 59 is a roadway which is common to this and the next village. The whole width of it is shown in both this map and in the map of the other village, but in both cases only half its area is taken

CHAPTER VIII.

FURTHER REMARKS ON CALCULATING OF AREAS.

109. Cancelled

110. If the shapes of the fields have been correctly plotted on the map by the method described in the last chapter, it will not be necessary to chain their dimensions in order to calculate the area. The dimensions may be taken off the map by means of the scale; but a beginner should chain the dimensions, and this will serve to test the correctness of his plotting work.

111. The limits of the parts into which an irregular field has been divided in order to obtain its area should be shown on the map by fine dotted lines.

112. If a small field falls within two or more sheets of the map it will be best to chain its dimensions When the field is large, the area contained within each sheet of the map may be calculated separately.

113 to 119 Cancelled

120 ... epth, in the outlines of a field
may be ... o in which they occur may be
regarded ... pass partly within the actual
boundary line and partly outside of it. Thus the east side of No. 30 in the map is treated as straight.

121. But in a curve the precaut
lengths of the perpendiculars, of the
one kadam, if it is concave to the d
the middle, being two kadams distant from the straight line. So, also, if the end of the diagonal be on a curve, we should add one kadam to the first or last portion of the diagonal. Thus in No 38 one kadam is added to the diagonal and one kadam to each of the perpendiculars.*

prefer that one of the two nearest
for the half of 29 take 14, and for
... balance one another on the whole.

6	×	21	=	126
15	×	57	=	855
20	×	77	=	1540
20	×	77	=	1,540
15	×	57	=	855
6	×	21	=	126
				5,040

CHAPTER IX.

KANALS AND BIGHAS.

122. As all the dimensions of the fields which we have used in the calculation of their areas are stated in kadams, the result, if we multiplied out those figures as they stand, would be to give the area in sarsáhis or in biswánsis.

123. To obtain kanáls and marlás or bighás and biswás from these results in sarsáhis or biswánsis, we should have to divide, in the case of the ghumáon measure, by 9 and afterwards by 20, and in the case of the bigha measure by 20 and again by 20.

124. But it is easier to obtain the results direct in the larger units; thus, to take ghumáon measure first.

First, suppose that each number of kadams is divisible by 3. Three kadams are called a kán, and a square of a kán each way is a marla = 9 sarsáhis. Therefore, convert kadams into káns by dividing by 3 and multiply káns by káns. The result will give marlás. Thus 12 kadams × 18 kadams = 4 káns × 6 káns = 24 marlás = 1 kanál 4 marlás.

125. Next, suppose we have to multiply 29 × 40. We know that kadams 9 × 20 make a kanál Thus 9 × 40 will make 2 kanáls, and 27 × 40 will be 6 kanáls. But if we were to take 27 × 40 instead of 29 × 40 we should have 2 × 40 = 80 sarsáhis too little: 80 sarsáhis are equal to 1 sarsáhi less than 9 marlás. Therefore, neglecting 1 sarsáhi we add 9 marlás to 6 kanáls = 6 kanáls and 9 marlás. This is the area of 29 kadams × 40 kadams.

Again, take 67 × 69 ; divide one number by 9 and the other by 20.

Thus, $67 = 7 \times 9 + 4$

$69 = 3 \times 20 + 9$

7×3 k. 9 m = 24 k 3 m. There remains 4×69.

viding by 9 = 7 marlás 6 sarsáhis. Four times this
which are neglected as being less than half a marla.
1 kanál 11 marlás = 25 kanáls 14 marlás is the area.

126. It is not usual to record sarsáhis, so we neglect odd sarsáhis up to 4 and reckon 5 or more sarsáhis as a whole marla.

127. The following table gives the number of marlás for any number of sarsáhis up to 20 marlás or 1 kanál :—

Marlas.	0	1	2	3	4	5	6	7	8	9
Sarsahis.	0	5	14	23	32	41	50	59	68	77
	0	6	15	24	33	42	51	60	69	78
	0	7	16	25	34	43	52	61	70	79
	0	8	17	26	35	44	53	62	71	80
	0	9	18	27	36	45	54	63	72	81
	1	10	19	28	37	46	55	64	73	82
	2	11	20	29	38	47	56	65	74	83
	3	12	21	30	39	48	57	66	75	84
	4	13	22	31	40	49	58	67	76	85

Marlas	10	11	12	13	14	15	16	17	18	19	20
Sarsahis	86	95	104	113	122	131	140	149	158	167	176
	87	96	105	114	123	132	141	150	159	168	177
	88	97	106	115	124	133	142	151	160	169	178
	89	98	107	116	125	134	143	152	161	170	179
	90	99	108	117	126	135	144	153	162	171	180
	91	100	109	118	127	136	145	154	163	172	181
	92	101	110	119	128	137	146	155	164	173	182
	93	102	111	120	129	138	147	156	165	174	183
	94	103	112	121	130	139	148	157	166	175	184

128 Suppose we require the area of a square of 200 kadams × 200 kadams. Now 180 sarsáhís being a kanál, 200 kadams × 180 kadams = 200 kanáls. There remain 200 kadams × 20 kadams. This is equal to 20 kanáls and 20 kadams × 20 kadams more. So the area is 220 kanáls and 20 kadams × 20 kadams remaining. Now 20 × 20 $= \left.\begin{matrix} 18 \times 20 \\ + \ 2 \times 20 \end{matrix}\right\}$ or 2 kanáls + 40 sarsáhís, and 40 sarsáhís are 4 marlás. Therefore the whole area is (200 + 20 + 2) = 222 kanáls and 4 marlás.

Again, take 91 × 26, 90 is half a kanál.

∴ 90 × 26 = 13 kanáls
Add 1 × 26 = 3 marlás.
Area 13 kanáls and 3 marlás.

Take 600 × 105.

600 = 3 × 180 + 60 or $3\frac{1}{3}$ kanáls.
105 × $3\frac{1}{3}$ = 350 kanáls.

129 For bighás we have first to multiply scores by scores to make bighás, and then scores by remaining numbers to make biswás. We neglect anything less than 10 biswánsís, and reckon 10 or more biswánsís as a whole biswa.

Thus 200 × 200 = 10 scores × 10 scores = 100 bighás
25 × 40 = $1\frac{1}{4}$ score × 2 = 2 bighás 10 biswás.
67 × 63 = 67 × 3 scores = 9 bighás + 21 biswás = 10 bighás 1 bis.
+ 67 × 2 = 6 biswás 14 biswansís = 0 " 7 "
10 " 8 "

CHAPTER X.

SYSTEM OF MEASUREMENT FOR HILL DISTRICTS.

130. The square system of measurement is applicable only to a country where a chain line can be prolonged in any desired direction. It cannot be employed in a hilly country. In the hills the plane-table system must be followed.

as may be most convenient. The number of whole squares included within the figure is then counted row by mailás or biswás If of the parts remaining within the figure, take 4, and if only a small piece be included, take 1; if about half, take either 2 or 3 The lines of a talc square reading quarter kanlás on the scale of 40 karms to the inch are shown in figure No. 36.

APPENDIX V.

To find the position of a place by sights to three Stations.

In sections 139—142 it was explained how to fix the position of places in the map by taking sights to them from three Survey stations which have previously been plotted on the map A method will now be described by which the position of a place can be fixed by taking sights from that place to the three Survey stations. But this method should not be adopted if the former one can be used. Place the table at the point of which the position is required, and take that which appears to be the most distant of the three lines (1) (2), (1) (3), (2) (3) as a base. Thus in figure No. 35, suppose X is wanted, do not take (3) (2) as a base, but (1) (2). Place pins at (1) and (2) in the map sheet Lay the sight against these pins pointing to (2). Turn the table till the sight points to station (2) Then clamp Keep the sight against pin (1) and sight station (3) and draw a line towards it from the point (1) as (1) M. Then reverse the sight so that it points from (2) to (1), and turn the table until you sight station (1), then sight (3) again and draw a line to it from (2) as (2) N. From O the intersection of M (1) and N (2) draw (3) O. Then the point required will be the sight against O (3) pointing to (3), No 3 The table is then in position; the ruler against the pin at (1), turn draw a line along it, cutting O (3). The place where this line cuts (3) O will be the position of X, where the table stands. Put in a pin at X and another at (2), and see whether the sight when laid touching these two pins will point exactly to station No. (2). Also sight all other points which have been fixed before. If all agree then X may be taken as fixed If X be not inside the triangle (1) (2) (3), the lines (2) N (1) M will meet on the opposite side of (1) (2), *viz*, within the triangle, and (3) O must be prolonged The reason why you are not to take the nearer side for your base is that the lines M (1) and N (2) would meet at so great a distance that O might not fall within the map sheet.

APPENDIX VI.

Supplementary Maps.

A patwári will often have to make a supplementary map, as when a piece of ground was waste at the time the village map was made and has since been divided. He must first see whether the space as a whole was properly mapped, *i e*, whether its diagonal and the perpendicular to each corner come right. If there have been many small new fields made, then as he chains the diagonal and perpendicular he should record the cuttings. He should also chain all round the space, recording

the distance at which each new field bank is met. He will then have no trouble if the old map was fairly correct, in mapping all the new fields in their proper places upon it.

APPENDIX VII

To re-lay a boundary from a map.

a record of a bound-
ary i lost or destroyed, as,
for n required to re-lay it
from his map If there is a map which has been made on the square system, he should reconstruct the squares in which the disputed land lies. He should mark on the ground on the lines of the squares the places where the map shows that the disputed boundary intersected those lines, and then to find the position of points which do not fall on the line he should with his scale read on the map the position and distance of those points from the square line, and then with his chain and cross-staff mark out the position and distance of those points. Thus he can set out all the points and boundaries which are shown in the map. But if there is not a map on the square system available, he should then find three points on different sides of the place in dispute, as near to it as he can, and, if possible, not more than 200 kadams apart, which are shown in the map, and which the parties do not allege to have been disturbed He will chain from one to another of these points and compare the result with the distance given by the scale applied to the map If it is all right he can then draw these lines in pencil on the map and draw perpendiculars with the scale from these lines to each of the points which it is required to lay out on the ground. He will then lay them out with the cross-staff as before and test the work by seeing whether the distance from one of his marks to another is the same as in the map

If there is only a small dispute as to the boundary between two fields the greater part of which is undisturbed, then the perpendiculars of these fields can be set out from their diagonals, as in the field book and in the map, and curves made as shown in the map.

APPENDIX VIII.

Tracing.

done on a frame covered
ht comes through it, and
hind. The pencil can then
tracing, comparing con-
and on paper. In tracing
on paper a map made on the square system it will be convenient to use a sheet of paper on which squares have been previously ruled or printed. The ruled lines on the paper should be made to fit exactly over the ruled lines on the original. If the ruled lines on the original, being in red ink, are not sufficiently visible through the paper which is laid over it, the intersections of the ruled lines can be marked with heavier lines. In tracing each square make the four corners of the square in the tracing fit exactly over the four corners of that square in the original. The squares are not always ruled quite accurately. Sometimes there is an error of a kadam or so It may, therefore, be necessary to shift the paper slightly when a new square is begun. Do not carry on the errors from one square into another, or in the last square they may become serious.

FIELD BOOK—*continued.*

Field No.	Area calculation.		K. M.		K. M.	Remarks.
25	a. $\frac{52 \times 26}{2}$	=	3 15			
	b $\frac{54 \times 18}{2}$	=	2 14		11 8	
	c. $\frac{36 \times 12}{2}$	=	1 4			
	d 48×14	=	3 15			
26	a $\frac{50 (27+21)}{2}$	=	6 13			
	b. 61×13	=	6 2		13 13	
	c. 15×11	=	0 18			
27	52×23	=			6 13	
28	54×16	=			4 16	
29	a 57×14	=	4 9			
	b. $\frac{19 \times 7}{2}$	=	0 7		4 16	
30	a 59×15	=	4 18			
	b. $\frac{58 \times 6}{2}$	=	0 19		5 17	
31	68×8	=			3 0	
32	a. 72×28	=	11 4			
	b $\frac{55 (5+18)}{2}$	=	3 10		16 18	
	c. 49×8	=	2 4			
33	a $\frac{51 (10+23)}{2}$	=	4 14			
	b. $\frac{42 (10+19)}{2}$	=	3 8		10 16	
	c. 29×12	=	1 19			
	d. 12×11	=	0 15			
34	12×7	=			0 9	
35	a. $\frac{39 \times 18}{2}$	=	1 19			
	b. $\frac{39 (8+18)}{2}$	=	2 16		7 2	
	c. $\frac{33 (6+17)}{2}$	=	2 2			
	d. 7×7	=	0 5			
36	35×35	=			6 16	
37	Incomplete.					
38	$\frac{28 (7+11)}{2}$				1 8	
39	a. 61×27	=	9 3		33 10	
	b. 88×31	=	15 3	Deduct No. 38		
	c $\frac{68 \times 37}{2}$	=	7 0		1 8	
	d. 36×11	=	2 4		32 2	

No. 1

7

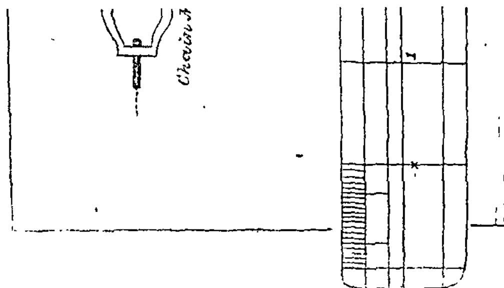
6

5

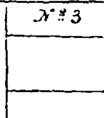
Peg

Chain No. 3

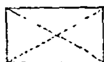
NOTE.—Dotted lines should be marked on the map by hand according to the limits of the parts now separately calculated in the Field Book (S. III).



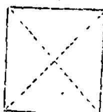
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№ 3



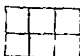
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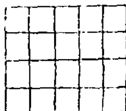
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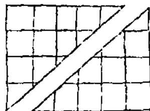
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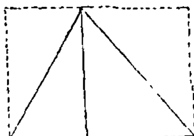
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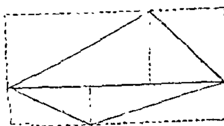
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№ 9



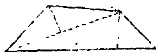
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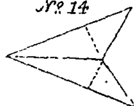
№ 11



№ 12



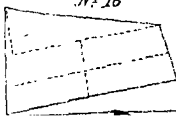
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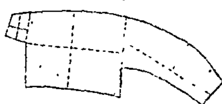
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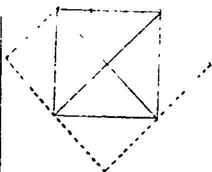
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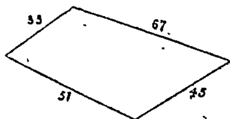
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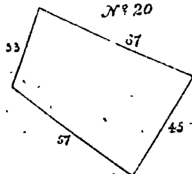
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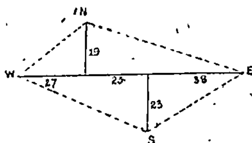
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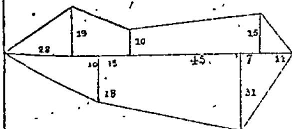
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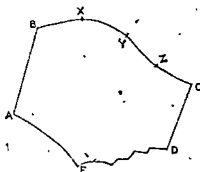
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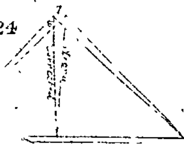
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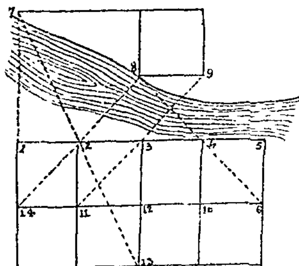
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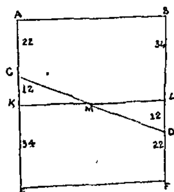
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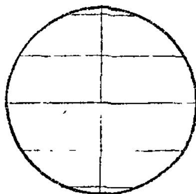
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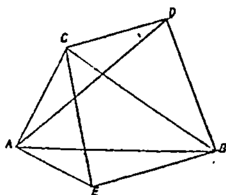
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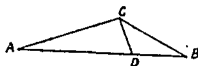
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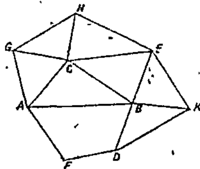
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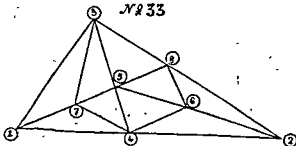
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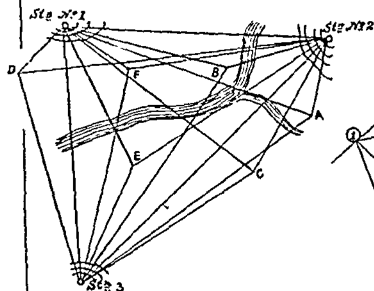


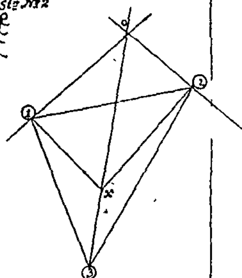
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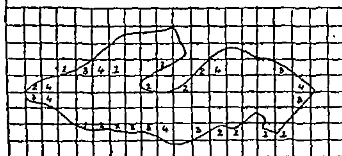


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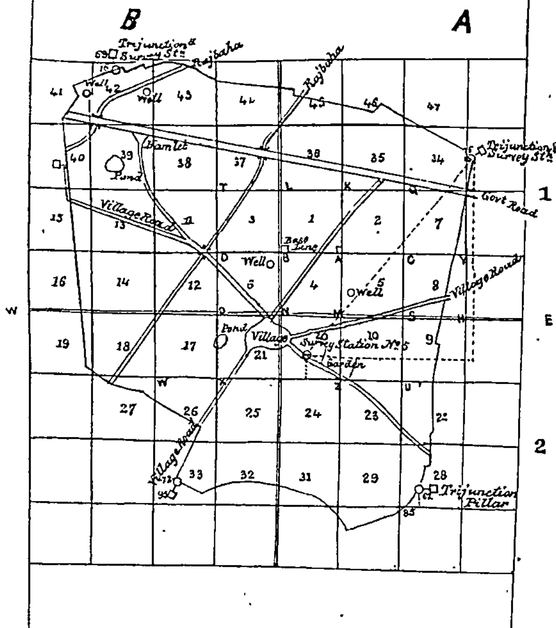




Qrs.	Marlas
0	2, 3, 6, 4, 2 = 15
3	2, 4, 4, 2 4, 2, 1 = 19.
6	1, 3, 4, 2, 2 4, 5, 2 = 20
11	2, 4, 2, 2, 4 = 14
14	3, 4, 3, 1 = 11
10	3, 2, 4, 3, 1 = 13
1	1, 2, 2, 2, 3, 4, 8 2, 1 1 1 = 22
0	1, 1, = 2
45	116 = 5 16
= 11 5	Total 17 − 1 (K. M.)

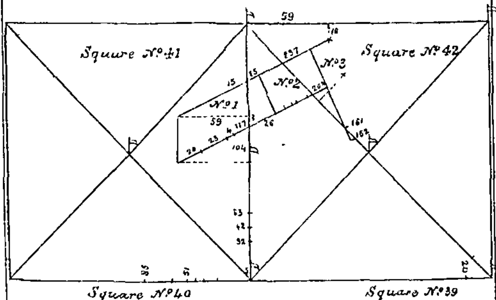
No 7

INDEX MAP



No. 8

MAP SHOWING PLOTTING IN PROGRESS ON THE SQUARE SYSTEM



FIELD MAP OF PART OF VILLAGE

Scale 80 Miles = 1 Inch

REFERENCES

1 Govt. Property

Waste

Recently

4 wellings

Uncultural

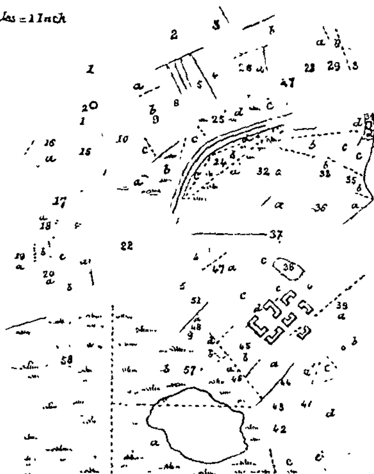
6 Vill

7 Canal &P

8 Trijunction Pll

9 Survey Statio

1 Well



FIELD BOOK—*concluded.*

Field No.	Area calculation.	K. M.	K. M.	REMARKS
40	a. $\frac{36\,(4+14)}{2}$ =	1 16		
	b. $\frac{37\,(19+7)}{2}$ =	2 13	13 2	
	c. $\frac{18 \times 33}{2}$ =	1 13	(waste 1 16 cultivated 11 6)	
	d. 77 × 14 =	6 0		
	e. 18 × 10 =	1 0		
41	57 × 14 =		4 9	
42	23 × 27 =		3 9	
43	$\frac{29 \times 14}{2}$		1 3	
44	Incomplete.			
45	a. 46 × 22 =	5 12		
	b. 35 × 23 =	4 9		
	c. 66 × 20 =	7 7	19 0	
	d. 25 × 8 =	1 2		
	e. 10 × 9 =	0 10		
46	a. 46 × 12 =	3 1	3 18	
	b. 25 × 6 =	0 17		
47	a. $\frac{48\,(20+18)}{2}$ =	5 1	9 3	
	b. $\frac{49\,(10+20)}{2}$ =	4 2		
48	a. 16 × 13 =	1 3	2 0	
	b 26 × 6 =	0 17		
49	15 × 7 =		0 12	
50	$\frac{11 \times 6}{2}$ =		0 4	
51	43 × 14 =		3 7	
52	51 × 13 =		3 14	
53	49 × 6 =		1 13	
54	51 × 6 =		1 14	
55	53 × 6 =		1 15	
56	54 × 6 =		1 16	
			74 10	
57	a. 120 × 64 =	42 13		
	b. $\frac{139\,(66+7)}{2}$ =	28 4	(unculturable—18 5, culturable 56 5)	
	c. 30 × 22 =	3 13		
58	136 × 80 =		60 9	
59	68 × 8 =		3 0	
	Half =		1 10	(Half the area of this number is included in this village, and half in the adjoining village).

MEMORANDUM ON ARITHMETIC MANUAL FOR PATWARIS AND PRIMARY SCHOOLS.

As in the Land Mensuration Manual, we have taken pains to use only the easiest Vernacular terms, and to explain every thing in the simplest way. Definitions have generally been avoided as they are apt to involve difficult terms, and instead of
plication
to go as
Colonel
. *Pahára*"
or a multiplication table of some fractional numbers by each other.

In accordance with the ruling that no compound calculations, except of money, should be included in the first part of the Manual, we have placed the tables of weight, measure, &c., in the second part. Examples of addition have been given in the form of somewhat long columns of small and moderately large items, this being the sort of addition that is most met with in practice. We think that great importance should be attached to correct addition, as it is in practice the commonest of all arithmetical processes, and incorrect work in it causes great trouble.

We have been instructed not to introduce decimal fractions into the Arithmetic Manual, and it has been suggested that if patwáris require decimal fractions the subject might be put into the Mensuration Manual. We have not taken this course, as mensuration work on the system in use does not involve decimal fractions. A patwári does not need to be able to work long calculations in multiplication and division of decimals. He sometimes requires, however, for statistical purposes to understand percentages, and to know how to state a fraction as so many parts in a hundred. Thousandths will not be required. In ordinary statistics, such as the patwári prepares, two places are sufficient. We have, therefore, given a short chapter on percentages or hundredths in the Appendix, and at the end of this we have mentioned that hundredths may be written with the decimal point before them as a shorter notation than writing the denominator 100 beneath the figures. We are inclined to think that the subject of decimals, limited as above to two places (which is enough for most practical purposes), might perhaps have been worked out without presenting greater difficulties to the learner than Vulgar Fractions. But we have, of course, kept within the lines prescribed by the Educational Department.

We are not in favour of making "Practice" a separate subject to be taken up at a comparatively late period of the course. The mode of multiplying by parts which constitutes the only peculiarity in "Practice" is in common use for all kinds of mental reckonings, even among illiterate people. We consider that scholars should become familiar with it at the earliest possible period and make use of it whenever they can. Some *Gurs* (or formulæ) which are of great practical utility in making ordinary calculations are given a place under "Practice."

With regard to the Rule of Three, we find ourselves all of the same opinion that it is an artificial and unpractical way of stating arithmetical questions. No one in ordinary life ever states problems to himself in this shape. It is unsuited for mental work, which we regard as a very serious objection. There is no question which cannot be solved as easily without it as with it.

Suppose a man ascertains that a piece of rail 5¼ feet long weigh 50 sérs, and wants to know what a 20-feet length would weigh. He would certainly never state this to himself in Rule of Three form. He would take out the weight of the rail per

running foot, and this result he could remember and could use for other lengths besides 2 feet The only advantage we can see in the Rule of Three form is that it enables boys to state a sum readily on their slates without first thinking about it, and this is not altogether a good thing. We think that for lessons in arithmetic to be of practical use to zamindars, traders, or officials in after life they should follow as much as possible the forms that can and will be used in mental work. A boy who cannot make a reckoning without asking for a pencil is laughed at when he goes back to his village, and is at great disadvantage in ordinary native life

Writing arithmetic in algebraical form with plus, minus, signs of equality, &c, tends, we think, in the wrong direction, and though it saves space in a book to make use of these signs, we do not think the boys should be taught to work by them. Anything that cannot be done mentally should be done on the slate in the presence of the teacher, and not on paper in the way of home exercises as given in other subjects.

In examinations a considerable number of questions should be set to test rapidity as well as correctness, and no writing or re-stating of questions should be required Boys should not be allowed to work out questions in the compound rules to an impractical degree of minuteness We have inserted this caution in its proper place in the book.

No English version of the Arithmetic Manual is understood to be required, but a table of its contents is attached in English.

E. B. FRANCIS, *Settlement Officer, Ferozepore.*

NATHU RAM, *Extra Assistant Settlement Officer*

DAYA RAM, *Assistant Inspector of Schools.*

MEMBERS OF COMMITTEE.

Extract para. 8 from a letter No 44C., dated the 9th June 1891, from the Senior Secretary to Financial Commissioner, Punjab, to the Commissioner and Superintendent, Lahore Division.

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8. An important point remains which Mr. Dane has not discussed, namely, what jamabandi should be included in the standing record. The jamabandi in the record must of course show the new revenue demand for each holding. It will perhaps be best, in the Financial Commissioner's opinion, to put in the standing record the jamabandi on which the báchh was made, *e. g.*, if the new assessment is introduced from Kharif 1891, the jamabandi of Kharif-Rabi 1890-91 might be taken. Settlement Officers can doubtless arrange that the jamabandi made in the year before which the new demand takes effect is a detailed jamabandi. The jamabandi will already show the old demand, but the new demand can subsequently be entered in red ink with a general note that it is not the demand of the year to which the jamabandi relates, but of the next year. The Financial Commissioner has, however, no objection to the jamabandi next after the distribution of the new revenue being selected as the one to be put in the standing record provided that variations between it and the misl báchh due to transfers, partitions, &c, are briefly explained. By "báchh" the Financial Commissioner means the distribution as finally determined by the Settlement Officer. Cases may occur in which assessments are announced when measurements are far from complete, and in which the distribution of the new revenue over holdings must be made subject to reconsideration.

APPENDIX E

RULES 2 TO 13 OF THE PUNJAB OPIUM RULES RELATING TO THE CULTIVATION OF POPPY.

2. Subject to the payment of the duty and to the conditions laid down in the following rules, the poppy plant may be grown in all parts of the Punjab, except in the districts or parts of districts in which the Local Government may, from time to time, by notification, prohibit its cultivation.

3. (i). On poppy cultivated under a license granted under Rule 8 there shall be levied a duty of eight annas for each quarter of an acre of poppy cultivation. A fraction of a quarter of an acre shall be charged as a quarter of an acre.

(ii). The Local Government may at any time, by notification in the *Punjab Government Gazette*, giving 6 months' notice, enhance the rate of duty in any district up to any rate not exceeding Rs. 2 for a quarter of an acre or fraction thereof.

(iii). On poppy cultivation which is proved to the satisfaction of the Tahsíldár or of any superior revenue officer to be not covered by a license under Rule 8 double duty may be levied; but the levy of such double duty shall not be deemed a bar to the prosecution of the cultivator under the Opium Act, 1878, or under these rules

4. Any person cultivating the poppy must inform the Patwári of the fact, when the Patwári comes to his village to measure the areas under poppy

5. Before, or in the course of the operations of the Rabi Girdáwari, the Patwári shall measure all the areas in his circle that may be cultivated with poppy whether the cultivator has or has not informed him of the existence of the cultivation as required by rule 4 and shall enter all necessary particulars concerning those areas in a register to be kept by him for the purpose.

6. It shall be the duty of the Tahsíldár, as soon as may be after the measurements are made by the Patwári, personally, or through the medium of a revenue-official not below the rank of Kánúngo, to test those measurements

7. (i). After the measurements have been tested, and not in any case later than the 1st of May, the Patwári shall give [illegible] of the entries in his register, showing the [illegible] acreage duty, and the persons liable to pay it. [illegible] the Demand Statement.

(ii). The poppy acreage duty will be collected by the Lambardár under rule 36 [illegible]

8. [illegible] Lambardár [illegible] document [illegible] and a state [illegible] stitute, and is hereinafter referred to as, the cultivator's license.

9. A cultivator's license may be granted subject to the following conditions, namely.—

(a). That the licensee shall not consume any part of the p[illegible] of his [illegible] or of the opium or intoxicating drugs manufact[illegible]

(*b*). That he shall not, except in the cases covered by rules 11 and 12, keep the produce of his crop beyond the 1st of May next ensuing.

(*c*). That, subject to such conditions as are provided for in these rules, he may sell his standing crop to Government or to persons holding licenses for purchase of standing crops under Rule 50, but to no other persons, and he may sell the produce to Government or to licensed vendors under rule 53 or rule 63, or to farmers or persons holding licenses for wholesale vend under rule 45, but to no other persons.

(*d*). That when selling the standing crop he may sell one acre or more at one time to one purchaser, but not less, unless the licensee's entire crop or remaining crop is less than one acre, in either of which cases he may sell at one time to one purchaser his entire crop or his remaining crop.

(*e*) That, when selling opium or intoxicating drugs, the licensee may sell three sers or more at one time to one person, but not less, unless his whole or remaining stock is less than three sérs, in which case he may sell his whole or remaining stock at one time to one person; and that, when selling poppy-heads, he may sell ten sérs or more at one time to one person, but not less, unless his whole or remaining stock is less than ten sérs, in which case he may sell his whole or remaining stock at one time to one person

(*f*). That he shall enter or cause to be entered on his license the actual outturn of poppy heads and the quantity of opium or intoxicating drugs manufactured, togethe
heads or opium or intoxicat
sale to be attested by the
shall there and then make ove

10. The Patwári shall, at intervals of not more than two months, examine and check the entries made in accordance with rule 9 (*f*) on the cultivator's license, and shall record the date of every such examination.

until the
urned to

(ii). If any of the produce covered by a license so returned to the Patwári remain undisposed of, the amount of such undisposed of produce shall be entered in a new license, if the cultivator wishes to take out a new license, and shall be shown therein as poppy-heads, opium, or intoxicating drugs, as the case may be, to be disposed of by the licensee in addition to the current year's outturn.

12. Should a licensed cultivator, who does not wish to continue the cultivation of the poppy possess any part of the produce of his crop still undisposed of on the
be renewed for a stated period,
sion shall not be for a period
be granted.

13. All Zaildárs, Lambardárs and Patwáris are required to give information to the Tahsíldár of unlicensed cultivation of the poppy or unlicensed manufacture of opium or intoxicating drugs within their villages

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Notification No. 1003, dated 20th May 1889 (See Prog. for May 1889—53-55).
" " 1393, dated 16th July 1889 (" " " July 1889—21-22).
" " 745, dated 8th April 1891 (" " " April 1891—9-14).

Alphabetical Index to the Rules under the Land Revenue and Tenancy Acts.

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